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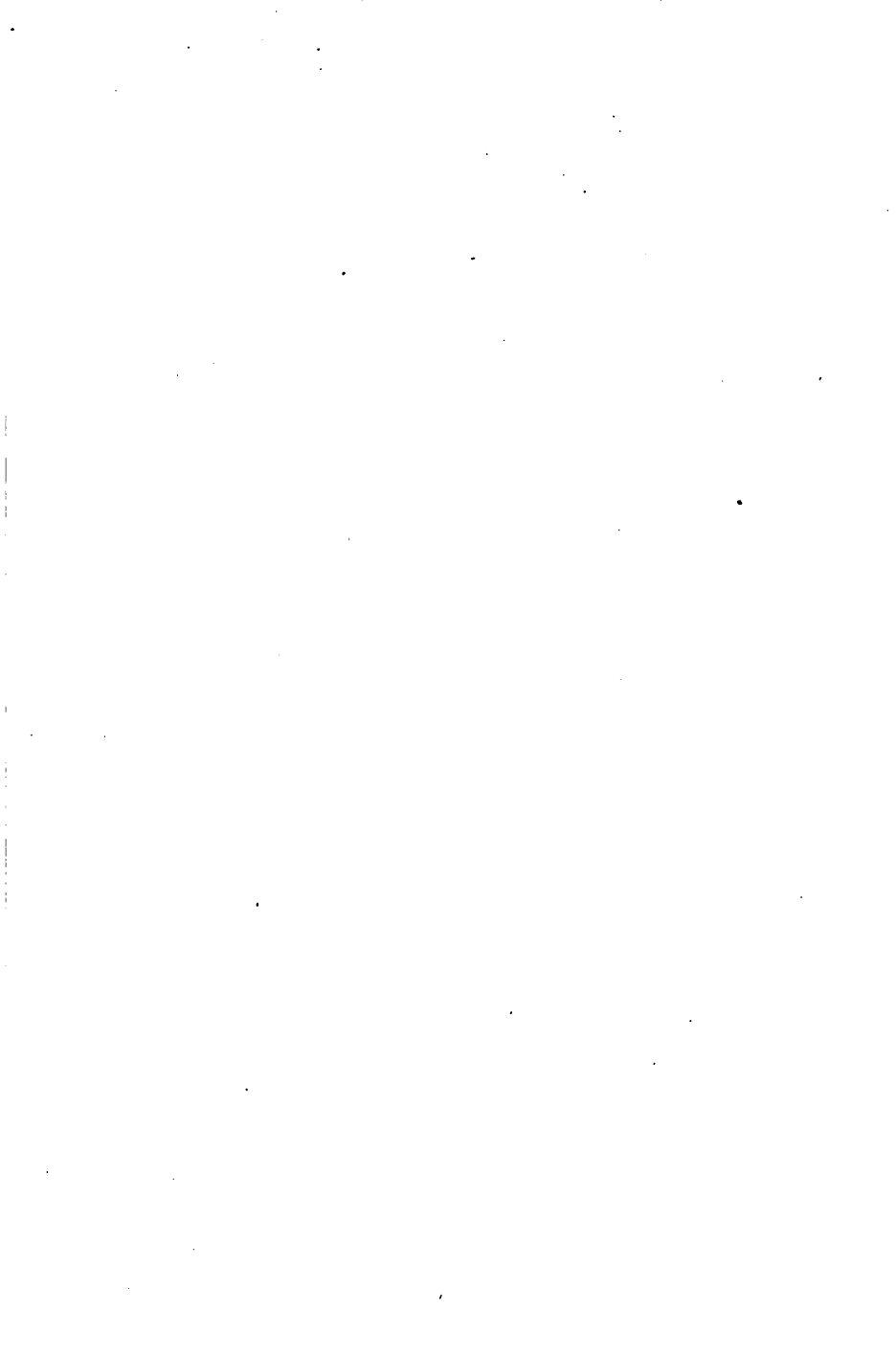
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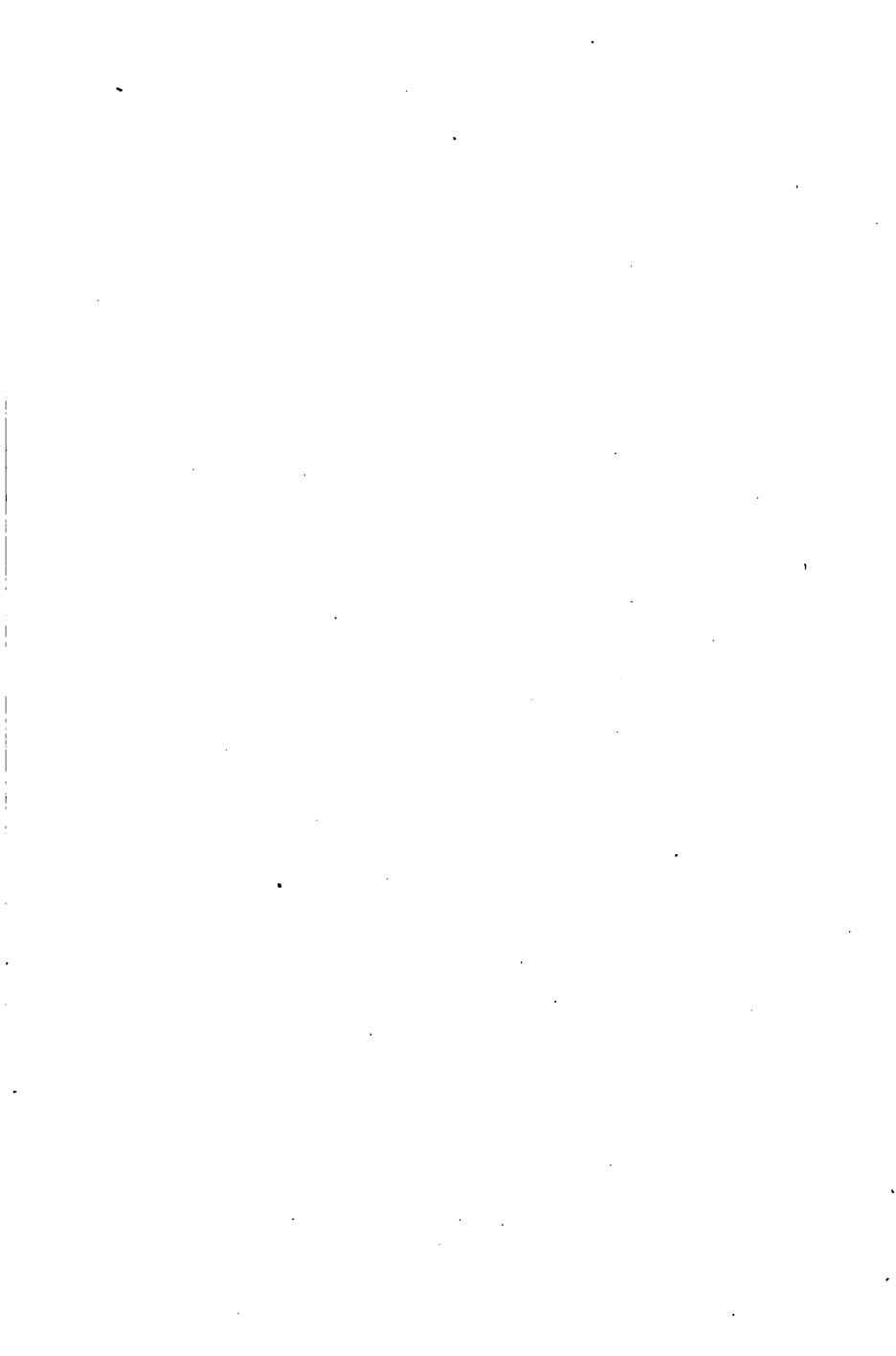
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**AN INTRODUCTION TO POLITICAL  
PARTIES AND PRACTICAL POLITICS**



# AN INTRODUCTION TO POLITICAL PARTIES AND PRACTICAL POLITICS

BY

P. ORMAN RAY

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Author of "The Repeal of the Missouri Compromise: Its Origin and Authorship"

CHARLES SCRIBNER'S SONS

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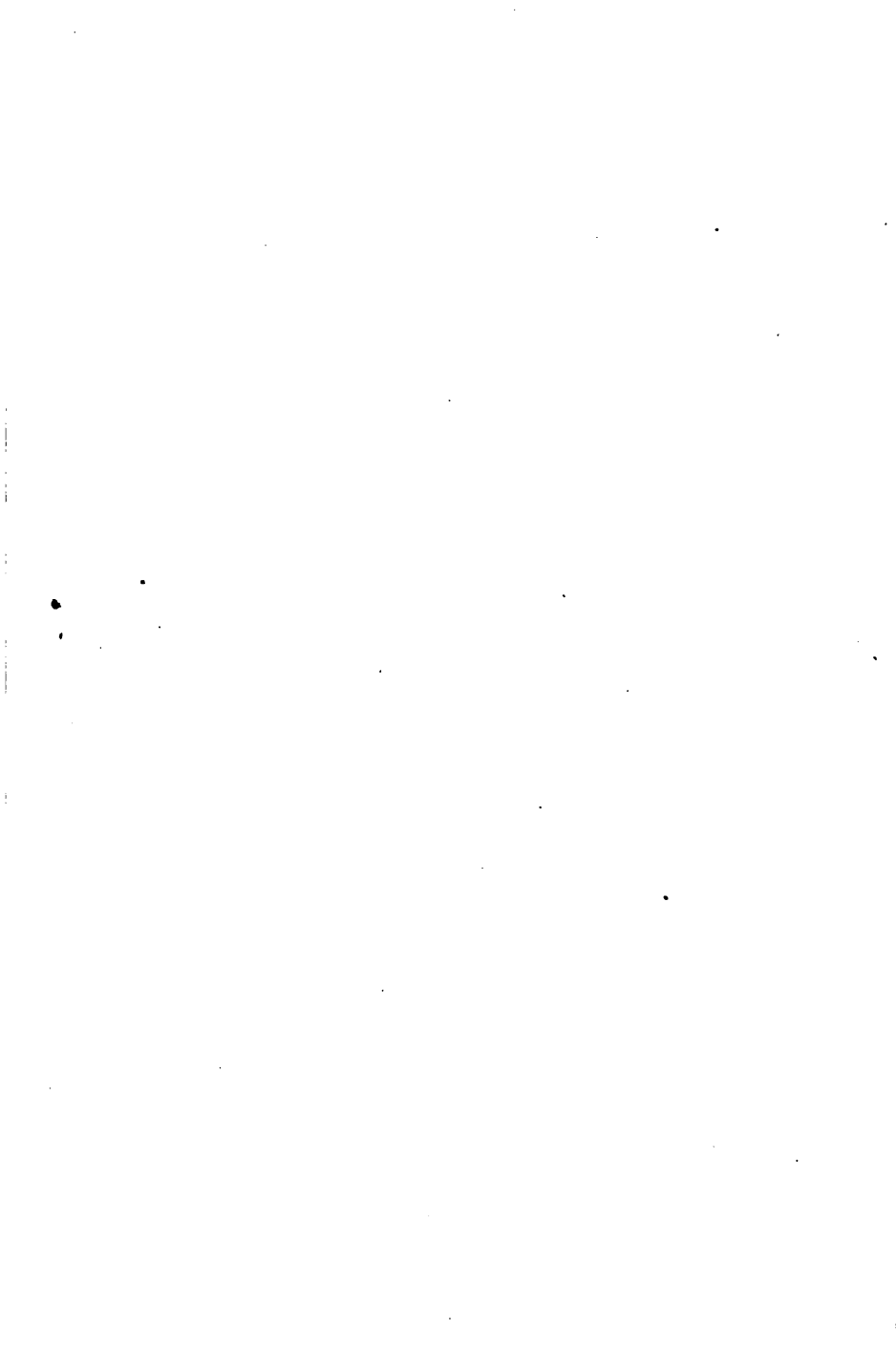
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8.

MY FATHER



## PREFACE

THIS book has a very modest purpose. As the title states, it is designed as an *Introduction* to the study of political parties and practical politics. It is primarily intended to serve as a text-book. Therefore, no attempt has been made to make it encyclopædic in scope or exhaustive in its treatment of topics. Suggestiveness and condensation have been kept constantly in mind during its preparation. A fuller treatment of a few topics has seemed wise on account of their importance or the nature of the materials available for student use. Somewhat extended lists of references are to be found at the ends of chapters, together with suggested questions and topics. These may be used in different ways: as the basis for collateral reading, for reports before the class; or, where a large library is not at hand, they may be made the basis of a series of lectures and informal discussions. It is believed that the plan of the work is sufficiently elastic to be adaptable to both large and small classes in both large and small institutions. The plan is the outgrowth of several years' experience in conducting large classes having access to a comparatively small library.

One of the most hopeful signs in American politics is the increasing prominence which the study of political parties and practical, as distinguished from theoretical, politics has come to occupy in college and university curricula. If this text-book succeeds in introducing more college men and women to wider knowledge of politics and political parties, both past and present, resulting in greater interest and more intelligent activity in the political life of their own communities, its chief purpose will be accomplished.

I desire to express appreciation for courtesies extended to me in the preparation of this book by Professor John C. Kennedy of the University of Chicago; Mr. J. Mahlon Barnes, National Secretary of the Socialist Party; Mr. Elliot H. Goodwin, Secretary of the National Civil Service Reform League; Hon. John C. Black, Chairman of the United States Civil Service Commission; Cyrus D. Foss, Esq., Secretary of the Civil Service Reform Association of Pennsylvania; Miss Marion C. Nichols, Secretary of the Woman's Auxiliary of the Massachusetts Civil Service Reform Association; Hon. John T. Dooling, President of the New York Board of Elections; Mr. John Boyle, Jr., Secretary of the New York Republican County Committee; Mr. Charles F. Murphy, Head of the Tammany Organization in New York City; Mr. Harry Nittig, Chief Clerk of the Republican Central Campaign Committee of the City and County of Philadelphia; Roger Sherman Hoar, Esq.,

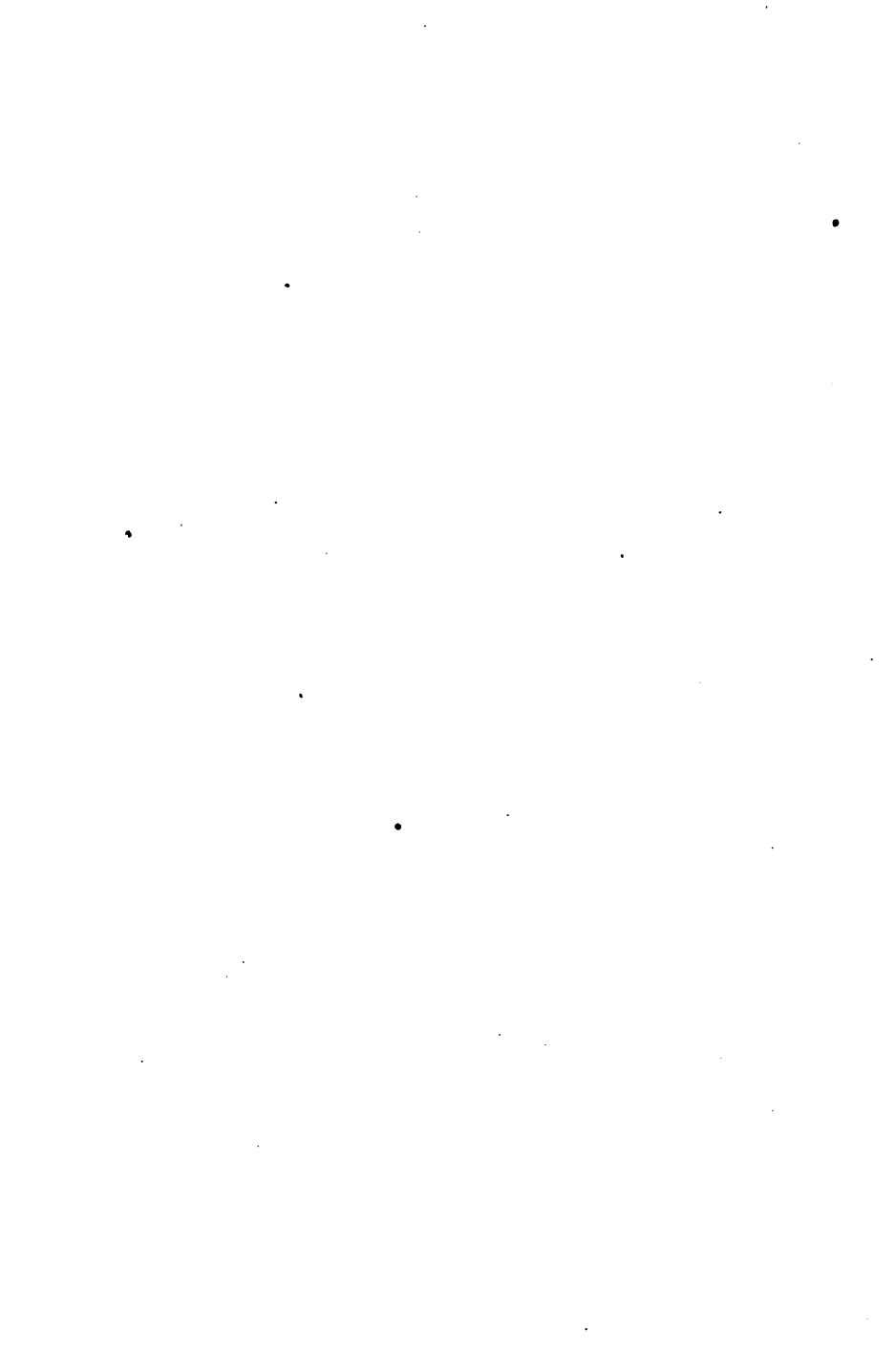
Concord, Mass.; Charles J. Russell, Esq., County Clerk of Chittenden County, Vermont; Mr. Urey Woodson, Secretary of the Democratic National Committee; Mr. William Haywood, Secretary of the Republican National Committee; Hon. William B. McKinley, Chairman of the Republican Congressional Campaign Committee, 1910; Mr. Richard S. Childs, Secretary of the Short Ballot Organization; Hon. William M. Olin, Secretary of State, Massachusetts; Hon. C. F. Curry, Secretary of State, California; Hon. H. C. Crawford, Secretary of State, Florida; Hon. Frank H. Hitchcock, ex-Postmaster-General; and to the staff of the Carnegie Library of The Pennsylvania State College.

To Dean Willard E. Hotchkiss, of Northwestern University; to my former colleagues, Mr. Edwin Angell Cottrell, now of Harvard University, and Mr. Theodore Calvin Pease, now of the University of Chicago, I am indebted for reading the manuscript in whole or in part and for many valuable criticisms and suggestions. To my wife I am under deep obligation for valuable assistance in proof-reading.

P. ORMAN RAY.

STATE COLLEGE, PA.

*April, 1913.*



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## KEY TO ABBREVIATIONS

Acad. Pol. Sci., for Academy of Political Science.

Am. Hist. Assn., for American Historical Association.

*Am. Hist. Rev.*, for *American Historical Review*.

Am. Pol. Sci. Assn., for American Political Science Association.

*Am. Pol. Sci. Rev.*, for *American Political Science Review*.

*Annals*, for Annals of the American Academy of Political and Social Science.

Beard, for C. A. Beard's *American Government and Politics*.

Bryce, for James Bryce's *The American Commonwealth*.

*Jour. Pol. Econ.*, for *Journal of Political Economy*.

Lalor, for J. J. Lalor's *Cyclopædia of Political Science, etc.*

*Nat. Mun. Rev.*, for *National Municipal Review*.

*No. Am. Rev.*, for *North American Review*.

Ostrogorski, for M. Ostrogorski's *Democracy and the Party System*.

Ostrogorski II, for M. Ostrogorski's *Democracy and the Organization of Political Parties*, vol. II.

*Pol. Sci. Quar.*, for *Political Science Quarterly*.

Reinsch, for P. S. Reinsch's *American Legislatures and Legislative Methods*.

*Rev. of Rev.*, for *Review of Reviews*.

Rhodes, for J. F. Rhodes's *History of the United States from the Compromise of 1850*.



**AN INTRODUCTION TO POLITICAL  
PARTIES AND PRACTICAL POLITICS**



# *PART ONE*

## PRESENT-DAY NATIONAL PARTIES

### CHAPTER I

#### CHARACTERISTICS AND DEFINITION OF A POLITICAL PARTY

A political party is more easily described than defined. A brief review of its essential characteristics will aid materially in reaching a satisfactory definition.

(1) A political party is an *organization*. If every citizen acted upon political questions as a dissociated atom, there could be no political parties. There must be co-operation, unification, and subordination of the different elements composing the party; and this means organization. "There must be drilling and training, hard work with the awkward squad, and an occasional dress parade. This work requires the labor of many men: there must be captains of hundreds and captains of tens, district chiefs and ward heelers. . . ." <sup>1</sup> The degree of organization and its character vary with the circumstances which evoke the party and keep it in existence. At the present time, for party success a high degree of organization is indispensable in national, State, and municipal politics.

A political  
party is  
an organi-  
zation

<sup>1</sup> C. R. Fish, *Civil Service and the Patronage*, 156.



The failure, or early subsidence, of many reform movements in politics may be explained by the absence of adequate organization. As a general rule, those parties are most successful in which the element of organization is most highly developed.

The main objects of party organization are to promote harmony and prevent dissensions within the party; to enlist new voters, especially naturalized foreigners and young men who have just reached the voting age; to promote enthusiasm by speeches or literature, by the sympathy of numbers and the sense of a common purpose; to impart instruction to the voters concerning political issues, the virtues of their own leaders, and the mistakes of their opponents; and, finally, to select the party candidates for public offices and to secure their election or appointment.<sup>1</sup>

Degree  
of perma-  
nence  
necessary  
to party

(2) The organization must possess a degree of *durability*, or permanence, in order properly to perform its functions. The party doctrines or principles and policies have to be propagated; its candidates for office have to be selected and their election secured; its principles and policies must be incorporated in the legislative or administrative policy of the country or State; these achievements must be guarded and defended until their utility is fully proved and accepted. All this requires an extended period of time; hence the element of durability is essential.

A party  
consists of  
varying  
groups of  
individu-  
als

(3) A party consists of individuals or *groups of individuals*, fluctuating in personnel and numbers. With this characteristic is involved the opportunity for the development of sharp differences of opinion

<sup>1</sup> James Bryce, *The American Commonwealth*, II, 77 (4th edition).

between different groups over questions of party policy and party management. The older the party, the larger its membership, the wider the area over which its organization extends, the greater becomes the possibility of serious consequences flowing from these differences. Geographical sections, rival leaders with strong personal followings, as well as opposing economic interests, contend within every great party at one time or another for control of the party organization and the right to formulate its policies. Much of the time, energy, and resourcefulness of party managers is employed in smoothing out these differences within the party and establishing harmony. When their efforts fail the differences often become acute and result in the formation of bitterly hostile groups. We then have what are called party "factions." It is also common to speak of this situation as a "split" in the party. Serious factional disturbances are peculiarly liable to develop within a party which has long been in office, and when there is no formidable party to oppose it.

The prolonged existence of irreconcilable factions is almost certain to lead to disruption of the party. The faction not in control of the party machinery secedes permanently, and either unites with some other party or seeks to establish a new party. At other times the secession of a faction is due to dissatisfaction over some specific policy indorsed or rejected by the dominant group in the party. Such a secession is intended only as a means of weakening the party temporarily, in the hope of thus punishing it for non-compliance with the behests of the seceding faction.

Having accomplished this, the seceders usually return to their party allegiance. Such seceders are frequently called "bolters," and they are said to have "bolted" the party convention or the party ticket. By way of distinction, the term "regular" is usually applied to the faction still in control of the party organization and using the party name.

Recently the terms "insurgent" and "progressive" have entered our political vocabulary. They are applied most frequently to a group within the Republican party seeking the overthrow of certain of the old party leaders who are regarded as ultra-conservative or reactionary, the "stand-patters." Their deposition is desired in order to commit the party to certain more "progressive" or radical policies, which are opposed, or only half-heartedly indorsed, by the old leaders.

A party is  
united by  
common  
principles  
or policies

(4) The members of a party are united by common *principles* or a common *policy*. The principles of a party are its durable convictions as to what the state should be and do. Party principles may be distinguished from party policies. The policy of a party comprehends all that the party does in order to establish its principles. "Principles are disclosed in the end which is sought; policy is the means employed for the attainment of that end."<sup>1</sup> Policy, therefore, includes the whole of a party's conduct.

The principles of a party are apt to be most conspicuous in its early or formative period. In its later history policies are likely to overshadow principles. Both the principles and the policies of a party are subject to change. To-day they may be quite differ-

<sup>1</sup> A. D. Morse, in *Pol. Sci. Quar.*, XI, 68 (1896).

ent from what they were a generation ago. Of the two, policies are far more susceptible to changes than are the principles upon which the party organization has been erected. This is due to the varying exigencies of the party and the appearance of new problems respecting which the party must define its position.

Not only may a party modify both its principles and its policies, but it may even cease to have either, and yet continue to exist for a considerable period. Not infrequently the party organization and name endure after the principal purpose of the party has been accomplished or abandoned. It is not an uncommon remark to-day that one of our great national parties is "looking for an issue." The meaning intended is that the party has outgrown or abandoned its former principles, and is now groping about for new ones; nevertheless the party continues to exist apparently without any dominating purpose. A party may hold together "long after its moral life is extinct. . . . Parties go on contending because their members have formed habits of joint action, and have contracted hatreds and prejudices, and also because the leaders find their advantage in using these habits and playing on these prejudices. The American parties now continue to exist because they have existed. The mill has been constructed and its machinery goes on turning even when there is no grist to grind."<sup>1</sup> History proves, however, that parties in such condition are moribund, and that their early demise may safely be predicted.

It is more or less tacitly assumed by political parties that the principles and policies which they re-

<sup>1</sup> Bryce, II, 24 (4th edition).

spectively advocate would, if accepted by the electorate and put into operation, make for the greatest happiness of the greatest number. The adoption of the principles of my party and the rejection of the principles of your party, it is assumed, will inure to the greater welfare of the state. Principles and policies are likely to receive more conscientious attention from the conspicuous national leaders of the party, its statesmen, and to be much more influential in determining their public conduct than is true in the case of the rank and file of party members and managers.

**Parties  
seek to  
control  
the gov-  
ernment**

(5) The immediate end sought by a political party is the control of the government through the carrying of elections and the possession of office. This object of party activity is uppermost in the thought of the average party worker and manager; to achieve this, is the ambition of every politician. In bending his energies to the accomplishment of this result, principles and policies are quite lost to sight or forgotten. For this the party worker should not be too severely condemned. Few, indeed, of the so-called intelligent citizens, who would not stoop to engage in "practical" politics, when asked to state the principles or policies of their party, are able to give a satisfactory reply. Party enthusiasm over principles is manifested occasionally, but as a rule the party organization, and especially the immediate circle of party managers, look upon the acquisition and control of offices as of prime importance. And this is by no means to be wholly deplored or reprobated; for the control of the government through

elections and offices affords practically the only opportunity by which a party may exemplify its principles and apply its policies in the administration of public affairs. It is, therefore, essential that a party should devote a large part of its energy to this too often despised work of "practical" politics.

Having thus briefly reviewed the essential characteristics of political parties, we are in a position to formulate the following working definition: a political party is a durable organization of individuals, or groups of individuals, fluctuating in personnel and numbers, united by common principles or a common policy, and having for its immediate end the control of the government through the carrying of elections and the possession of office.<sup>1</sup>

**Definition  
of party**

Political parties exist under all forms of popular government. Wherever the people are endeavoring to govern themselves, they divide according to their views on public measures, and out of these differences of opinion political parties arise. "Those of the same opinion associate with others like-minded, and the existence of political parties thus becomes the outgrowth of free speech and a free government." Political parties are in some degree an index of the political capacity and genius of a nation. Wherever an active life of the people and of the state has been developed, political parties have sprung into existence. The most gifted and freest nations politically are those that have the most sharply defined parties.<sup>2</sup> Nothing is greater proof of American political capacity than

**Parties  
exist  
under all  
demo-  
cratic  
govern-  
ments**

<sup>1</sup> A. D. Morse, *op. cit.*

<sup>2</sup> J. C. Bluntschli, in Lalor, III, 95.

the organization of two competing parties to manage a government strikingly ill-adapted to the party régime.<sup>1</sup> Wherever political parties are non-existent, one finds either a passive indifference to all public concerns, born of ignorance and incapacity, or else one finds the presence of a tyrannical and despotic form of government, suppressing the common manifestations of opinion and aspiration on the part of the people. Organized, drilled, and disciplined parties are the only means we have yet discovered by which to secure responsible government, and thus to execute the will of the people. Little glory will therefore accrue to the statesman who stands aloof from party, and condemnation should be meted out to that numerous class of citizens who, for one reason or another, or for no reason at all, neglect to take an active part or to feel a deep interest in party politics.

In the  
United  
States  
parties are  
indispens-  
able

Political parties, while responsible for much evil, are powerful forces for good in a democracy. They educate and organize public opinion by keeping the people fully informed in regard to public matters; by discussing, freely and thoroughly, every public question in the presence of the people; by discussing these questions in the light of great principles of government; and by securing not only discussion before the people but discussion by the people.<sup>2</sup> In the United States parties have become so indispensable that we cannot conceive of the possibility of getting along without them. They have breathed the breath of life into the inert governmental organism created in

<sup>1</sup> A. C. McLaughlin, in *Atlantic Monthly*, CI, 145 (1908).

<sup>2</sup> A. D. Morse, in *Annals*, II, 300 (1891-92).

1787. They have furnished both the motive power and the lubricant for the continuous and successful operation of the governmental machine which the Constitution merely describes.<sup>1</sup> "It is easier to imagine the demolition of any part of our constitutional organization, the submersion of a large part of what the Constitution describes, than to imagine our getting on without political combinations; they are our vital institutions; they abide in the innermost spirit of the people."<sup>2</sup> Indeed, the most complete revolution in our political system has not been brought about by amendments or by statutes, but by the customs of political parties in operating the machinery of the government.<sup>3</sup>

Yet vital as political parties are to the successful working of our system of government, they have grown up to maturity and power much as the English cabinet has developed—as extra-legal institutions wholly unknown to or ignored by the law. Only within the past few years have statutes distinctly recognized the existence of parties, and attempted to regulate their activities. Such enactments constitute a tardy acceptance of the fact that parties and party mechanism have become institutions which perform very important functions in the conduct of government, and are therefore to be taken seriously and regarded as worthy of careful study. The problem of

Until recently they have developed as extra-legal institutions

<sup>1</sup> ". . . Party association and organization are to the organs of government almost what the motor nerves are to the muscles, sinews, and bones of the human body. They transmit the motive power, they determine the directions in which the organs act." Bryce, II, 3 (4th edition).

<sup>2</sup> A. C. McLaughlin, *op. cit.*

<sup>3</sup> Beard, 74.



self-government now is the problem of controlling these institutions which, in fact, manage the government.

### QUESTIONS AND TOPICS

1. Collect, compare, and criticise the different definitions of a political party.

2. How did the framers of the Constitution, especially Washington, regard political parties? (See *The Federalist*, and Washington's "Farewell Address.")

3. In what sense is the statement true that, in its actual operation, our Federal Government is "more democratic than the Constitution"?

4. An account of any recent factional party struggle in your own State. (Consult newspaper files and indexes to current literature.)

5. Give specific illustrations of how geographical sections, rival leaders, and conflicting economic interests have divided both the Republican and Democratic parties in the last decade.

6. The Free Silver movement within the Democratic and Republican parties, 1890-96.

7. The "Insurgent," or "Progressive," movement in the Republican party, and the purposes and methods of the National Progressive Republican League.

8. The political party as a nationalizing influence. (See Johnson.)

9. Give a summary of the attempts to subject political parties to legal control. (See Beard.)

10. Explain how the traditional political theory respecting the independence of the three departments of the Federal Government has been transformed in actual practice by the development of political parties. (See Beard, Bryce.)

11. A brief description of political parties in each of the following countries: England, France, the German Empire, Japan, Canada, and Australia.

# BIBLIOGRAPHY

- Abbott, E. H., "The New Era in Congress," in *The Outlook*, XCIV, 289 (1910). On the Republican "Insurgents."
- Beard, C. A., *American Government and Politics* (1910), ch. 6.  
— *Readings in American Government and Politics*, ch. 6.
- Bradford, Gamaliel, *The Lesson of Popular Government*, I, ch. 21.
- Bryce, James, *The American Commonwealth* (4th edition, 1910), II, chs. 53-54.
- Clement, E. W., "Political Parties in Japan," in *Pol. Sci. Quar.*, XXVI, 669 (1912).
- Croly, Herbert, "Democratic Factions and Insurgent Republicans," in *No. Am. Rev.*, CXCI, 626 (1910).
- Dolliver, J. P., "The Forward Movement in the Republican Party," in *The Outlook*, XCVI, 161 (1910).
- Ford, H. J., *The Rise and Growth of American Politics*.
- Hart, A. B., "A New Party: Do the People Want It?" in *Rev. of Rev.*, XLVI, 197 (1912).
- Hollingsworth, C. M., "The So-called Progressive Movement: Its Real Nature, Causes, and Significance," in *Annals*, XLIII, 32 (1912).
- Johnson, Allen, "The Nationalizing Influence of Party," in *Yale Review*, XV, 283 (1906-7).
- Kirevan, J. W., "The Australian Labor Party," in *Nineteenth Century*, LVIII, 827 (1905).
- Lalor, J. J. (editor), *Cyclopædia of Political Science*, etc., III, "Political Parties."
- Lecky, W. E. H., *History of England in the Eighteenth Century*, I, 513-5, quoted in Woodburn.
- Library of Congress, *List of Works Relating to Political Parties in the United States* (1907).
- Lowell, A. L., "The Influence of Party upon Legislation in England and America," in *Am. Hist. Assn. Report*, I, 319 (1901).  
— *The Government of England*, I, chs. 24-30; II, chs. 31-37.  
— *Government and Parties in Continental Europe*, 2 vols.
- MacAdam, H., "The Insurgents," in *Everybody's*, XXVI, 770 (1912).
- McLaughlin, A. C., "The Significance of Political Parties," in *Atlantic Monthly*, CI, 145 (1908).

Macy, Jesse, *Party Organization and Machinery*.

Morse, A. D., "The Place of Party in the Political System," in *Annals*, II, 300 (1891-2).

— "What Is Party?" in *Pol. Sci. Quar.*, XI, 68 (1896).

Ogg, F. A., *The Governments of Europe* (1913). Contains chapters on European political parties.

*Outlook*, The, XCVII, 243, 256, 346 (1911), "The Insurgent League."

— CI, 601 (1912), "The Call for a New Party."

— CI, 608, "Woodrow Wilson and the Progressive Party."

— CI, 852, "The New Party."

— CII, 51, 101, 154 (1912), "The Progressive Movement."

Porritt, Edward, "Politics in Canada," in *The Independent*, LXV, 653 (1908).

— "Party Conditions in England," in *Pol. Sci. Quar.*, XXI, 206 (1906).

— "The English Labor Party in 1910," in *Pol. Sci. Quar.*, XXV, 297 (1910).

*Readers' Guide to Periodical Literature*, The (issued monthly), and similar indexes to current periodicals are very useful on almost every topic treated in this book.

Ridgeway, W., "The Liberal Unionist Party," in *Nineteenth Century*, LVIII, 182, 545 (1905).

Roosevelt, Theodore, "Who is a Progressive?" in *The Outlook*, C, 809 (1912).

— "The Progressives, Past and Present," in *The Outlook*, XCVI, 19 (1910).

Smith, Goldwin, "Burke on Party," in *Am. Hist. Rev.*, XI, 36 (1905-06).

Smith, H. K., "The Progressive Party," in *Yale Review*, II, 18 (1912).

Watson, R. S., *The National Liberal Federation* (1907). Gives the history of the English Liberal Party.

Woodburn, J. A., *Political Parties and Party Problems*, ch. 21.

## CHAPTER II

### THE PARTY PLATFORM. DEMOCRATIC AND REPUBLICAN PLATFORMS OF 1912

It is comparatively easy to form a national party. Any group of citizens who nominate candidates of their own for President and Vice-President may be called a national party. In the Presidential campaign of 1908 there were no less than seven national parties in the field appealing for the support of the American voter. There were the two great parties, the Republican and the Democratic, and five minor parties: the People's party, the Independence party, the Socialist party, the Socialist Labor party, and the Prohibition party. The discrimination between the first two as "great parties" and the other five as "minor parties" is justified by the fact that the Republican and Democratic parties are absolutely co-extensive with the Union. They exist in every State and in every corner of every State; they exist even in the Territories. The minor parties, on the other hand, although they may have a permanent organization in many States, do not attempt to maintain it in all States; neither do they contest every election even in the States where their organization is permanent.

Each national party, at the beginning of a Presidential campaign, issues a manifesto or appeal to the

"National" parties include the "great" parties and minor or "third" parties

The party platform

**Some of  
its fea-  
tures**

public called a platform. This platform contains a statement in more or less detail of the principles or policies for which the party stands. It is usually accompanied by an arraignment of the character, professions, or party record of the principal rival party. This is likely to be an especially prominent feature of the platform of the Democratic party, owing to the fact that, with the exception of very brief periods, this party since the Civil War has been a party of the opposition, not in control of the government. It is natural, therefore, that Democrats should seek to magnify the weaknesses and mistakes of the Republican party, which has had almost uninterrupted control of the government during that period. An equally prominent feature of the platforms of the Republican party is the vigorous defence of the record of the party while in control of the government, and the degree of self-laudation to which its platform gives expression.

**Platforms  
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In addition to these conspicuous characteristics of the Democratic and Republican platforms, they, and the platforms of the minor parties as well, contain sometimes clear and explicit, at other times ambiguous or evasive declarations called "planks" which relate to specific public questions. If the party is united upon a certain policy, the "plank" of the platform which relates to it will be clearly and positively phrased. If, on the other hand, there is a sharp difference of opinion within the party, especially between geographical sections of the party, the framers of the platform often adopt an ambiguous or non-committal plank upon that particular subject. This is some-

times so worded as to meet the approval of one section if construed or emphasized in one way; while, at the same time, it may be susceptible to an entirely different emphasis or interpretation rendering it satisfactory to the opposing section. This device is commonly called "straddling." A notable instance occurred in the declarations of both the Democratic and Republican platforms in 1892 concerning the free-silver issue: one part of the currency plank placated the silver men of the West, while another part reassured the gold men of the East.<sup>1</sup>

**"Straddling"  
planks**

The platform of a national party is framed by the committee on resolutions at the national convention of the party at which candidates are nominated for President and Vice-President, and is formally adopted by the convention before it adjourns. This committee on resolutions consists of one member from each State represented in the convention. Thus all shades of opinion are likely to be represented. The platform is rarely, if ever, left to be drafted on the spur of the moment amid the extraordinary excitement which usually attends a national convention. It is almost always the case that some one designated by those most concerned comes to the convention with a preliminary draft of a platform carefully prepared beforehand and inspected as to its more important planks by those best entitled to express an opinion. This draft, as a rule, forms the basis of discussion in the meetings of the sub-committee on resolutions and afterward of the full committee. In 1908, for example, the draft of the Republican

**National  
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committee and  
adopted by na-  
tional conven-  
tion**

<sup>1</sup> Stanwood. *History of the Presidency*. 495, 501.

platform was prepared and brought to the convention by Mr. Wade Ellis, assistant attorney-general of the United States.<sup>1</sup>

The meetings of the committee on resolutions sometimes develop into bitter and prolonged contests between different factions or interests within the party favoring or opposing declarations upon certain subjects. A case in point occurred at the Democratic convention in 1904 over the currency question, and again at both the Republican and Democratic conventions in 1908 over the labor and injunction planks.

The personal views and preferences of candidates whose nomination has become practically a certainty, are usually known to the committee on resolutions and frequently exert a decisive influence on the final shape of the platform. The original draft of the Republican platform in 1908, for example, was submitted to Mr. Taft and received his approval in advance of the action of the convention, and Mr. Bryan's expressed views had much to do both with the form and substance of the Democratic platform of the same year.<sup>2</sup>

"Majority" and "minority" platform drafts.

Not infrequently the committee on resolutions finds that it is impossible to agree upon a platform. In such an event it is customary for those in the majority in the committee to present what is called the "majority report," while the minority of the committee present their views at the same time in a "minority report." This virtually transfers the contest from the committee room to the floor of the convention. Many an exciting scene has followed the pres-

<sup>1</sup> *Review of Reviews*, XXXVIII, 8 (1908).

<sup>2</sup> *Ibid.*

entation of majority and minority reports, especially where the division of opinion is acute and very close, notably in the Democratic convention of 1860. A less conspicuous instance occurred in 1908 when a minority report, written by Senator La Follette, was presented to the Republican convention by Congressman Cooper of Wisconsin. This report went into much greater detail respecting railroad regulation, trusts, and some other economic and political questions than the platform of the majority. Several of the proposals were made the subject of separate ballots. One of these was the demand for publicity for campaign contributions; another was for the physical valuation of railroad properties; and a third was for the election of United States senators by popular vote.<sup>1</sup> A defeat sustained by a powerful faction under such circumstances has at times produced a serious split in a party and jeopardized, if not destroyed, its chances of success in the ensuing election; *e. g.*, the Democratic party in 1860, and the Republican and Democratic parties in 1896.

In the presidential campaign of 1912 the platforms of the Republican and Democratic parties were in substantial harmony in the following particulars: (1) in favoring the conservation of our natural resources and the continuation of the work of reclaiming arid lands; (2) in favoring the systematic development of our harbors and inland waterways; (3) in recognizing that the prevention of floods in the Mississippi valley is a problem with which the Federal Government is

**Points of agreement in Democratic and Republican platforms of 1912.**

<sup>1</sup> *Ibid.* A minority report embodying Mr. La Follette's views was also submitted to the Republican convention in 1912.



more competent to deal than the State governments; (4) in favoring the extension of the parcels post system; (5) in favoring the amendment of the Federal workmen's compensation act so as to cover all employees of the Federal Government; (6) in upholding the authority and integrity of the courts, both Federal and State; (7) in recognizing the urgent need of reform in the administration of justice and favoring early legislation to prevent the delays, expense, and uncertainty incidental to legal proceedings; and (8) in approving the action of Congress and the President in bringing about the termination of the Russian treaty of 1832, and in opposing the ratification of any treaty which does not recognize or guarantee "the fundamental or absolute right of expatriation."

Points of  
difference

The most important subjects touched upon in these platforms and the differing attitude of two parties may easily be seen from a study of the condensed and parallel arrangement which follows:<sup>1</sup>

#### DEMOCRATIC

#### REPUBLICAN

### THE TARIFF

(1) "We declare it to be a fundamental principle of the Democratic party that the Federal Government under the Constitution has no right or power to impose or collect tariff duties, except for the purpose of revenue, and we demand that the collection of such taxes shall be limited to the necessities of government honestly and economically administered.

(1) "We reaffirm our belief in a protective tariff. . . . The protective tariff is so woven into the fabric of our industrial and agricultural life that to substitute for it a tariff for revenue only would destroy many industries and throw millions of our people out of employment. . . .

<sup>1</sup> The platforms are given in full in the *Campaign Text-Book* of each party, and in the *World Almanac*, 1913, and similar publications.

## DEMOCRATIC

(2) "The high Republican tariff is the principal cause of the unequal distribution of wealth; it is a system of taxation which makes the rich richer and the poor poorer; under its operation the American farmer and laboring man are the chief sufferers; it raises the cost of the necessities of life to them but does not protect their product or wages. . . .

(3) "We favor the immediate downward revision of the existing high and, in many cases, prohibitive tariff duties, insisting that material reductions be speedily made upon the necessities of life. Articles entering into competition with trust-controlled products and articles of American manufacture which are sold abroad more cheaply than at home, should be put upon the free list. . . . We favor the ultimate attainment of the principle we advocate by legislation that will not injure or destroy legitimate industry. . . .

(4) "We denounce the action of President Taft in vetoing the bills to reduce the tariff in the cotton, woollen, metals, and chemical schedules, and the farmers' free list bill, all of which were designed to give immediate relief to the masses from the exactions of the trusts."

## REPUBLICAN

(2) "Some of the existing import duties are too high and should be reduced. Readjustment should be made from time to time to conform to changed conditions and to reduce excessive rates, but without injury to any American industry.

(3) "To accomplish this, correct information is indispensable. This information can best be obtained by an expert commission [a tariff board]. . . . We condemn the Democratic party for its failure to provide funds for the continuance of this [tariff] board, or to make some other provision for securing the information requisite for intelligent tariff legislation. . . .

(4) "We condemn the Democratic tariff bills passed by the House of Representatives of the Sixty-second Congress as sectional, as injurious to the public credit and as destructive of business enterprise."

## COST OF LIVING

We take issue with the Republicans on this subject and "charge that excessive prices result in a large measure from the high tariff laws enacted and

That the steadily increasing cost of living is not due to the protective tariff system is "evidenced by the existence of similar conditions in countries which

**DEMOCRATIC**

maintained by the Republican party and from trusts and commercial conspiracies fostered and encouraged by such laws, and we assert that no substantial relief can be secured for the people until import duties on the necessities of life are materially reduced and these criminal conspiracies broken up."

**REPUBLICAN**

have a tariff policy different from our own. . . . The Republican party will support a prompt, scientific inquiry into the causes which are operative, both in the United States and elsewhere, to increase the cost of living. When the exact facts are known, it will take the necessary steps to remove any abuses that may be found to exist, in order that the cost of the food, clothing, and shelter of the people may in no way be unduly or artificially increased."

**AGRICULTURAL PRODUCTS**

"... We favor the enactment by Congress of legislation that will suppress the pernicious practice of gambling in agricultural products by organized exchanges or others."

No plank on this subject.

**CURRENCY AND BANKING**

(1) "We oppose the so-called Aldrich bill, or the establishment of a central bank," and favor

(2) "such a systematic revision of our banking laws as will render temporary relief in localities where such relief is needed. . . .

(3) "We condemn the present methods of depositing Government funds in a few favored banks, largely situated in or controlled by Wall Street, in return for political favors, and we pledge our party to provide by law for their deposit by competitive bidding in the banking institutions of the country, National and State, without discrimination as to locality, upon approved secu-

"Our banking arrangements to-day need further revision to meet the requirements of current conditions. . . . We need better currency facilities for the movement of crops in the West and South. We need banking arrangements under American auspices for the encouragement and better conduct of our foreign trade. . . . It is as important that financial machinery be provided to supply the demand of farmers for credit as it is that the banking and currency systems be reformed in the interest of general business. Therefore we recommend and urge (1) an authoritative investigation of

**DEMOCRATIC**

rities and subject to call by the Government.

(4) "We recommend that an investigation of agricultural credit societies in foreign countries be made" with a view to the establishment of similar institutions in the United States.

(5) "We also favor legislation permitting national banks to loan a reasonable proportion of their funds on real estate security."

**REPUBLICAN**

agricultural credit societies and corporations in other countries, and (2) the passing of State and Federal laws for the establishment and capable supervision of organizations having for the[ir] purpose the loaning of funds to farmers."

**PUBLIC SERVICE CORPORATIONS**

(1) "We favor the efficient supervision and rate regulation of railroads, express companies, telegraph and telephone lines engaged in interstate commerce. To this end we recommend the valuation of railroads, express companies, telegraph, and telephone lines by the Interstate Commerce Commission. . . .

(2) "We favor such legislation as will effectually prohibit the railroads, express, telegraph, and telephone companies from engaging in business which brings them into competition with the shippers or patrons; also legislation preventing the over-issue of stocks and bonds by interstate railroads, express companies, telegraph and telephone lines, and legislation which will assure such reduction in transportation rates as conditions will permit, care being taken to avoid reduction that would compel a reduction of wages, prevent adequate service, or do injustice to legitimate investments."

"In the enforcement of Federal laws governing interstate commerce and enterprises impressed with a public use engaged therein, there is much that may be committed to a Federal trade commission, thus placing in the hands of an administrative board many of the functions now necessarily exercised by the courts. This will promote promptness in the administration of the law and avoid delays and technicalities incident to court procedure."

## DEMOCRATIC

## REPUBLICAN

## TRUSTS

(1) "We favor the vigorous enforcement of the criminal as well as the civil law against trusts and trust officials, and demand the enactment of such additional legislation as may be necessary to make it impossible for a private monopoly to exist in the United States.

(2) "We favor the declaration by law of the conditions upon which corporations shall be permitted to engage in interstate trade, including among others, the prevention of holding companies, of interlocking directors, of stock-watering, of discrimination in price, and the control by any one corporation of so large a proportion of any industry as to make it a menace to competitive conditions.

(3) "We condemn the action of the Republican administration in compromising with the Standard Oil Company and the Tobacco Trust, and its failure to invoke the criminal provisions of the Anti-Trust law against the officers of those corporations. . . .

(4) "We regret that the Sherman Anti-Trust law has received a judicial construction depriving it of much of its efficacy, and we favor the enactment of legislation which will restore to the statute the strength of which it has been deprived by such interpretation. . . .

(5) "We insist that Federal remedies for the regulation of interstate commerce and for the

"The Republican party favors the enactment of legislation supplementary to the existing Anti-Trust Act which will define as criminal offences those specific acts that uniformly mark attempts to restrain and to monopolize trade, to the end that those who honestly intend to obey the law may have a guide for their action and that those who aim to violate the law may the more surely be punished. The same certainty should be given to the law prohibiting combinations and monopolies that characterizes other provisions of commercial law. . . ."

## DEMOCRATIC

prevention of private monopoly shall be added to and not substituted for State remedies."

## REPUBLICAN

## THE COURTS

"Experience has proved the necessity of a modification of the present law relating to injunction," and we favor legislation "providing for trial by jury in cases of indirect contempt" in Federal courts. In connection with industrial disputes, "we believe . . . that injunctions should not be issued in any case in which an injunction would not issue if no industrial dispute were involved."

Nothing said upon the subject of injunctions.

"While we regard the recall of judges as unnecessary and unwise, we favor such action as may be necessary to simplify the process by which any judge who is found to be derelict in his duty may be removed from office."

## CIVIL SERVICE

"The law pertaining to the civil service should be honestly and rigidly enforced. . . . And we favor a reorganization of the civil service with adequate compensation, commensurate with the class of work performed, for all officers and employees. . . . We also recognize the right of direct petition to Congress by employees for the redress of grievances."

"The Republican party stands committed to the maintenance, extension, and enforcement of the civil service law, and it favors the passage of legislation empowering the President to extend the competitive service so far as practicable. We favor legislation to make possible the equitable retirement of disabled and superannuated members of the civil service, in order that a higher standard of efficiency may be maintained."

## CAMPAIGN CONTRIBUTIONS

Publicity for campaign contributions, before elections, is indorsed. "We commend the Democratic House of Representatives for extending the doctrine of publicity to recommendations, verbal and written,

"We favor such additional legislation as may be necessary more effectually to prohibit corporations from contributing funds, directly or indirectly, to campaigns for the nomination or election of the President, the

## DEMOCRATIC

upon which presidential appointments are made, to the ownership and control of newspapers and to the expenditures made by and in behalf of those who aspire to presidential nominations. . . ."

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Vice-President, senators and representatives in Congress. We heartily approve the recent act of Congress requiring the fullest publicity in regard to all campaign contributions, whether made in connection with primaries, conventions or elections."

## PRESIDENTIAL PRIMARIES AND THE NATIONAL COMMITTEE

(1) "The movement toward more popular government should be promoted through legislation in each State which will permit the expression of the preference of the electors for national candidates at presidential primaries. We direct that the national committee incorporate in the call for the next nominating convention a requirement that all expressions of preference for presidential candidates shall be given, and the selection of delegates and alternates made, through a primary election conducted by the party organization in each State where such expression and election are not provided for by State law.

No plank upon this subject.

(2) "Committeemen who are hereafter to constitute the membership of the Democratic national committee and whose election is not provided for by law shall be chosen in each State at such primary elections and the service and authority of committeemen, however chosen, shall begin immediately upon the receipt of their credentials respectively."

## DEMOCRATIC

## REPUBLICAN

## PRESIDENTIAL TERM

"We favor a single presidential term, and to that end urge the adoption of an amendment to the Constitution making the President of the United States ineligible for re-election, and we pledge the candidate of this convention to this principle."

No plank on this subject.

## MERCHANT MARINE

"We believe in fostering, by constitutional regulation of commerce, the growth of a merchant marine. . . . But without imposing additional burdens upon the people and without bounties or subsidies from the public treasury."

"We believe that one of the country's most urgent needs is a revived merchant marine. There should be American ships, and plenty of them, to make use of the great American interoceanic canal now nearing completion."

## PANAMA TOLLS

"We favor the exemption from tolls of American ships engaged in coastwise trade passing through the Panama Canal. We also favor legislation forbidding the use of the Panama Canal by ships owned or controlled by railroad carriers engaged in transportation competitive with the canal."

No plank on this subject.

## ALASKA

(1) "Immediate action should be taken by Congress to make available the vast and valuable coal deposits of Alaska under conditions that will be a perfect guaranty against their falling into the hands of monopolizing corporations, associations, or interests. . . .

"We favor a liberal policy toward Alaska to promote the development of the great resources of that district with such safeguards as will prevent waste and monopoly. We favor the opening of the coal lands to development through a law leasing the lands on such terms as will invite



**DEMOCRATIC**

(2) "We demand for the people of Alaska the full enjoyment of the rights and privileges of a territorial form of government. . . ."

**REPUBLICAN**

development and provide fuel for the navy and the commerce of the Pacific Ocean, while retaining title in the United States to prevent monopoly."

**THE PHILIPPINES**

"We favor an immediate declaration of the nation's purpose to recognize the independence of the Philippine Islands as soon as a stable government can be established, such independence to be guaranteed by us until the neutralization of the islands can be secured by treaty with other powers. . . ."

"The Philippine policy of the Republican party has been and is inspired by the belief that our duty toward the Filipino people is a national obligation which should remain entirely free from partisan politics."

**IMMIGRATION**

No plank on this subject.

"We pledge the Republican party to the enactment of laws to give relief from the constantly growing evil of induced or undesirable immigration, which is inimical to the progress and welfare of the people of the United States."

**EDUCATION**

"We recognize the value of vocational education and urge Federal appropriations for such training and extension teaching in agriculture in cooperation with the several States."

No plank on this subject.

**NAVY**

"We approve the measure . . . for the creation of a Council of National Defence, which will determine a definite naval programme, with a view to increased

"We believe in the maintenance of an adequate navy for the national defence, and we condemn the action of the Democratic House of Representatives

## DEMOCRATIC

efficiency and economy. The party . . . will continue faithfully to observe the constitutional requirements to provide and maintain an adequate and well-proportioned navy sufficient to defend American policies, protect our citizens, and uphold the honor and dignity of the nation."

## REPUBLICAN

in refusing to authorize the construction of additional ships."

## SOCIAL AND ECONOMIC PROBLEMS

No plank on this subject exactly corresponding to that of the Republican party.

"The Republican party . . . will strive, not only in the nation, but in the several States, to enact the necessary legislation to safeguard the public health; to limit effectively the labor of women and children; to protect wage-earners engaged in dangerous occupations; to enact comprehensive and generous workmen's compensation laws in place of the wasteful and unjust system of employers' liability; and in all possible ways to satisfy the just demand of the people for the study and solution of the complex and constantly changing problems of social welfare."

From the foregoing comparison of the platforms of the Democratic and Republican parties in 1912, it will readily be seen that, with the possible exception of the tariff, there was no clear-cut, sharply defined issue of importance between them, and that the two platforms did not represent any strongly opposed doctrines or tendencies of thought. Both agree in urging important changes in our national policies, economic and political; but they differ, as in 1908, in detail and

Differences in these platforms more superficial than radical

degree rather than in essential purpose.<sup>1</sup> If satisfied with one or the other of these two platforms, the thoughtful voter found himself confronted with the important questions: How far do I wish to go in making changes? and, To which group of leaders do I desire to intrust the task of readjusting our governmental policy, customs, and laws? If dissatisfied with these platforms or distrustful of these leaders, the thoughtful voter was likely to seek satisfaction in the platforms of some of the minor or third parties, to be considered in the chapter following.

Value of platform declarations determined by character and record of party leaders and candidates

It is natural to inquire how significant are party platforms, and how much reliance may be placed on the pledges which they contain. It is evident to any one the least familiar with politics that the framers of platforms are subject to the temptation to exaggerate the virtues of their own party and the misdeeds of their opponents; and it is clear even to an uncritical reader that the temptation has proved irresistible, and that each party has yielded to it. One is often sceptical about the sincerity of party pledges regarding future action; it is so easy for politicians to promise, whereas fulfilment is remote and difficult, if not impossible, even when sincerely attempted. Formerly the platforms were of the first importance. Diligent attention was given not only to every position advanced, but to the phrase in which it was expressed. In more recent years, unfortunately, a change has taken place which goes far toward justifying the statement that "the sole object of the platform is to catch votes by trading on the

<sup>1</sup> *The Outlook*, LXXXIX, 597 (1908). See also *New International Year Book*, 1908, p. 586.

credulity of the electors.”<sup>1</sup> No general rule can be laid down for the guidance of the thoughtful and critical citizen in weighing platforms. It must always be remembered that platforms are partisan documents and not judicial. They must be interpreted in the light of the character, reputation, and record of the party leaders and candidates back of them. It has to be confessed that platform pledges seem to have rested lightly upon the conscience of the average member of Congress or of the State legislature. His estimate of the significance of platform declarations is at once tersely and cynically expressed in the oft-repeated saying that “platforms are good things to get in and out on, but not to ride on.” It is only with party leaders of conspicuous ability and commanding influence that platform promises have been taken very seriously. A change for the better, however, has been taking place recently. The conscience of the average member of Congress and of the State legislature seems to be a little more sensitive. He appears to feel a greater sense of responsibility to the public than formerly for the faithful execution of the pledges contained in the party platform. In national affairs, this has been due in a large measure to the emphasis with which President Taft has reiterated in his public speeches and messages to Congress that party pledges mean something and are to be taken seriously. His persistence in driving home this apparently new thought compelled a more or less reluctant majority of Republican members of Congress to take steps to fulfil the promises made in

<sup>1</sup> Ostrogorski's *Democracy and the Organization of Political Parties*, II, 262; Bryce, II, 330.

the campaign of 1908, many of which, it is believed, were originally designed for campaign purposes only.

Platforms  
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clarified  
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tial candi-  
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The effect of an ambiguous or straddling plank in a platform is not infrequently reversed or radically modified by some positive action or formal utterance on the part of the presidential candidate of the party. An instance of this occurred in the case of Judge Parker's telegram to the Democratic convention in St. Louis in 1904, regarding the currency issue. Another instance occurred in 1908 in connection with the injunction and tariff planks of the Republican platform. Although declaring explicitly for a revision of the tariff, the platform did not state definitely whether the revision was to be upward or downward. The general public preferred to interpret it to mean downward revision, but feared some treachery at the hands of the politicians who favored a high tariff. Hence in his campaign speeches Mr. Taft, the nominee, did what he could to remove any uncertainty as to the real meaning of the platform by emphatically declaring that he understood it to mean revision downward, as the public appeared to desire. In a similar manner he made clear and definite his views upon the subject of injunctions.<sup>1</sup>

To their  
campaign  
letters or  
speeches  
great  
weight is  
attached

These illustrations serve to bring out another important fact in present-day national politics. The letter or speech of a candidate accepting the nomination for the Presidency has come to be regarded as of equal importance with the party platform, if not of even greater importance. In the letter or speech of ac-

<sup>1</sup> See summary of Mr. Taft's speech of acceptance, in *The Outlook*, LXXXIX, 775, 786 (1908), and *The Independent*, LXV, 330 (1908).

ceptance, the candidate states his opinions and views on the great questions of the day, and these expressions have come to be regarded as the legitimate creed of the party. "Whether the President will keep the promises of the candidate, or not, in any event you hear not the manufactured voice of a machine, but the living accents of a man whose personality marks him out and lays him open to responsibility."<sup>1</sup>

In spite of its defects, the party platform cannot be entirely ignored. It always, sooner or later, demands and secures attention. A good many people will always consider it binding. The opposing party always attacks it. Those responsible for it, also find themselves forced to defend it. In the long run, it always has an appreciable influence on the course of the party which is committed to it.

Inseparable as the party platform now is from State and national politics, it has not always existed: prior to 1832 there was no such thing. The principles or policies of a party were gathered from more or less formal letters written by the candidates themselves, or from resolutions adopted by political gatherings here and there. The convention of National Republicans or Whigs, held in Baltimore in December, 1831, recommended that a national assembly of young men meet in Washington, D. C., in May, 1832. This "Young Men's National Republican Convention" adopted a series of ten resolutions as embodying the principles of the party. This was the first formal platform of a national political party in this country. It was not until 1840, however, that there appeared the first

National  
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origi-  
nated in  
1832

<sup>1</sup> Ostrogorski, II, 262.

platform formulated and adopted as at present by a national nominating convention, that of the Democratic party at Baltimore.<sup>1</sup>

Platform  
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A presidential campaign without a formal platform is almost inconceivable at the present time. The same is almost equally true of a State campaign. The State Convention of each party in State campaigns issues a more or less formal platform which has the same general characteristics as the national platform, although naturally less space is devoted to national topics and greater consideration is given to State issues. Not infrequently the State platform of a party in control of the national Government contains some endorsement of the existing national administration. Such evidences of approval are eagerly sought in the more important States by the chief supporters of the administration.

The introduction and consideration of such expressions of approval afford opportunities to test the strength of the national administration and of the dissident elements within the party in the States concerned. In so far as one State or group of States can be regarded as typical of conditions or sentiment in the country as a whole, these State platform utterances of approval or disapproval, or even their silence with reference to the national administration, are regarded as significant.

<sup>1</sup> Stanwood, 157, 199; J. A. Woodburn, *Political Parties and Party Problems*, 38, 182.

## QUESTIONS AND TOPICS

1. In what sense is it correct to say that Thomas Jefferson and Andrew Jackson were the founders of the present Democratic party?

2. An account of the origin of the present Republican party.

3. The variations in the official name of the present Republican party, 1860-1868, and the reasons. (See Dunning.)

4. From a careful study of the platforms of the old Whig party, make a summary of the principles or policies of that party. Also compare this summary with the first platforms of the Republican party, 1856 and 1860. (See Stanwood, and Ormsby's *History of the Whig Party*.)

5. In how many and in what respects do political conditions of 1908-1912 resemble political conditions of 1836-1840?

6. The chief issues of the campaign of 1912 as presented in the campaign speeches of President Taft, Governor Wilson, and Colonel Roosevelt.

7. Recent history of the Republican party in the doubtful Southern States.

8. The struggle over the currency question in the Democratic convention of 1904, and Judge Parker's telegram.

9. The fight on the labor and injunction planks in the Republican and Democratic conventions of 1908. (See *Rev. of Rev.*, and *Charities*, XXI, 419.)

10. Verify or disprove the charge contained in the Democratic platform of 1908 relative to the increase of Federal office-holders under recent Republican administrations.

11. Point out the weak points in both the Republican and Democratic platforms of 1908. (See *Rev. of Rev.*, XXXVIII, 8, 136, 140, Mr. Taft's Letter of Acceptance, and speech of Hon. Theodore A. Bell, in *Proceedings* of the National Democratic convention, 1908.)

12. To what extent did the 61st Congress fulfil the pledges contained in the Republican platform of 1908 and in Mr. Taft's speeches? (See President Taft's Letter to Congressman McKinley, and *The Outlook*, XCV, 508, and XCVI, 48.)

13. The contests in the State Republican conventions of Ohio, Iowa, Kansas, Minnesota, and New York in 1910 over the indorsement of President Taft's administration.



14. In English and Continental politics, what corresponds to, or takes the place of, the American party platform? (See Jephson, and Lowell's *The Government of England*, and *Government and Parties in Continental Europe*.)

15. Compare the platforms of the Republican or Democratic party between 1856 and 1876 with the platforms of the same party since 1876 for the purpose of showing the relative importance or prominence of economic questions and questions that are chiefly of a political nature.

16. Analyze and explain the "New Sectionalism" which appeared in national politics, 1876-1896. (See Haynes.)

17. Compare the principles of the Federalist and Jeffersonian Republican parties. What caused the downfall of the Federalists in 1800?

18. The capture of the Democratic party by the slave-holding oligarchy, 1840-1860.

19. The debate in the Democratic convention of 1860 over the Dred Scott decision plank.

20. In what sense did the Democratic party claim that the Republican party, 1856-1860, was not a national party?

## BIBLIOGRAPHY

Arbuthnot, C. C., "An Economic Interpretation of Present Politics," in *Popular Science Monthly*, LXXXI, 183 (1912).

Beard, C. A., *American Government and Politics*, and *Readings*, ch. 9.

Brooks, Noah, *Short Studies in Party Politics*, ch. 4, "The Party Platforms of Sixty Years."

Bryan, W. J., "The Democratic Party's Appeal," in *The Independent*, LXV, 872 (1908).

Bryce, James, *The American Commonwealth*, II, chs. 53-56 (4th edition).

*Congressional Record*, 2d session, 61st Congress, 1910-1911.

Cooper, T. V., and Fenton, H. C., *American Politics*. Contains many platforms before 1884, and much miscellaneous material.

Curtis, Francis, *The Republican Party*. A biased party history, in two volumes.

*Democratic Campaign Text-Book*. Issued in every presidential campaign.

- Dennis, A. P., "The Anomaly of Our National Conventions," in *Pol. Sci. Quar.*, XX, 185 (1905). Comments on the Democratic convention of 1904.
- Dunning, W. A., "The Second Birth of the Republican Party," in *Am. Hist. Rev.*, XVI, 56 (1910).
- Elder, S. J., "The Republican Party" (1912), in *Yale Rev.*, II, 1 (1912).
- Englishman, An, "The Comedy of American Party Platforms," in *Harper's Weekly*, LII, October 24, 1908, p. 11.
- Ford, H. J., *Rise and Growth of American Politics*, ch. 12.
- Haynes, F. E., "The New Sectionalism," in *Quar. Jour. Econ.*, X, 269 (1896).
- Independent, The*, LXIV, 1456 (1908), "The Republican Platform."
- LXV, 159 (1908), "The Denver Platform."
- LXV, 330, "Mr. Taft's Speech of Acceptance," (1908).
- LXXIII, 855 (1912), "The Parties Compared."
- Jephson, H., *The Platform: Its Rise and Progress*. Deals with English politics.
- Kleeburg, G. S. P., *The Formation of the Republican Party*, (1911).
- Larned, J. N., "A Criticism of Two-Party Politics," in *Atlantic Monthly*, CVII, 289 (1911).
- Leupp, F. E., "The Democratic Convention" (1904), in *The Outlook*, LXXVII, 638 (1904).
- Lissner, Edward, "The Republican Party in the Doubtful South," in *Harper's Weekly*, LII, February 22, 1908, p. 13.
- McKee, T. H., *The National Conventions and Platforms of All Political Parties, 1789 to 1900*.
- Merriam, C. E., "The Political Theory of Jefferson," in *Pol. Sci. Quar.*, XVII, 24 (1902).
- Moffett, S. E., "Mr. Bryan's Convention," in *Rev. of Rev.*, XXXVIII, 182 (1904). On the Democratic convention of 1904.
- Morse, A. D., "Causes and Consequences of the Party Revolution of 1800," in *Am. Hist. Assn. Report*, I, 531 (1894).
- New International Year Book*, 1908, p. 579 ff., gives platforms and discusses the issues of the campaign of 1908.
- Ostrogorski, M., *Democracy and the Organization of Political Parties*, II, 261-263.

Ostrogorski, M., *Democracy and the Party System in the United States* (1910), pp. 147-148. An abridgment and revision of the author's larger work cited above.

*Outlook, The*, LXXXIX, 412 (1908), "The Republican Platform" (1908).

— LXXXIX, 597 (1908), "The Democratic Platform" (1908).

— LXXXIX, 775, 786 (1908), "Mr. Taft's Speech of Acceptance."

— LXXXIX, 786 (1908), "Concerning Injunctions." A comparison of the "labor planks" in the Republican and Democratic platforms of 1908.

— XCV, 753 (1910), "The Ohio Republican Convention."

— C, 886 (1912), "The Presidential Issue" (1912).

— CI, 812 (1912), "Shaky Platform Planks," in 1912.

*Republican Text-Book for the Congressional Campaign*, 1910.

*Review of Reviews*, XXX, 186 (1904), "The National Democratic Convention at St. Louis."

— XXXVIII, 8 (1908), "Making the Party Platform at Chicago."

— XXXVIII, 269 (1908), "Are Platforms Binding?"

— XLIII, 337 (1911), "Will There Be a New Party?"

Rogers, H. W., "The Democratic Party," in *Yale Rev.*, II, 33 (1912).

Roosevelt, Theodore, "Platform Insincerity," in *The Outlook*, CI, 659 (1912). On 1912 Republican and Democratic platforms.

Seilhamer, G. O., *Leslie's History of the Republican Party*, 1856-1898, 2 vols.

Stanwood, Edward, *A History of the Presidency* (1898). Gives all the party platforms down to and including those of 1896, and also an account of each presidential campaign.

— *A History of the Presidency from 1897 to 1909* (1912).

Taft, W. H., "The Republican Party's Appeal," in *The Independent*, LXV, 866 (1908).

— "Letter of Acceptance," in *Republican Campaign Text-Book*, 1908.

— "Letter to Hon. William B. McKinley," Chairman of the Republican Congressional Campaign Committee, August 20, 1910, in *Republican Text-Book for the Con-*

*gressional Campaign*, 1910. This letter enumerates the promises of the Republican platform of 1908 which were fulfilled by the 61st Congress.

Watkins, Albert, "Failure of the Two-Party System," in *The Forum*, XXXI, 643 (1901).

Wayland, J. W., *The Political Opinions of Thomas Jefferson* (1907).

Woodburn, J. A., *Political Parties and Party Problems*, pp. 122-124, 181-182.

*World Almanac, The*. This work, issued annually, gives in easily accessible form, national and State platforms, and other useful political information not easily accessible elsewhere. Though usually accurate, care should be taken to verify statistics.

*World's Work, The*, XX, 13229 (1910), "An Unusual Congressional Record." On the fulfilment of 1908 campaign pledges.

## CHAPTER III

### "THIRD" PARTIES. THE NATIONAL PROGRESSIVE PARTY AND ITS PLATFORM. THE SOCIALIST PARTY AND ITS PLATFORM OF 1912

Minor  
parties  
have  
rarely be-  
come  
"great"  
parties

The commanding prominence of two great political parties is most conspicuous in the politics of the United States and Great Britain. So prominent and so firmly entrenched is this "two-party system" that it is customary to refer to all other parties, collectively and severally, as minor or "third" parties. At times minor or third parties have exerted a potent influence upon the political history of this country. As a general rule, however, it has been difficult to induce voters to leave the two great parties which, for the time being, have occupied the foreground, for the sake of voting with a third party. The probability of such a party's carrying a national or even a State election is usually very remote. No third party has risen to a commanding position since the rise of the Republican party fifty years ago, unless we except the present National Progressive party.

To organize a new party, national in scope and capable of competing successfully with the two great parties, involves enormous labor and expense, and has appeared more and more hopeless as the country has expanded territorially and increased in population.

Republicans and Democrats may be thoroughly disgusted with their own party; nevertheless, they have been content for the most part to vote with it or to vote with the opposition in order to rebuke their own party, choosing for the time being what they regard as the lesser of two evils.<sup>1</sup> It has been difficult and wellnigh impossible to induce them to "throw away" their votes, as they consider it, by voting the ticket of a third party. Many even prefer to stay away from the polls. In spite of this, third parties serve an important purpose, though sometimes they are made use of by unscrupulous and designing politicians as a means of corrupt bargaining or trading with the two great parties.

Third parties have generally been composed of men of earnest convictions and zealous purposes, and at times they have had a modifying or restraining influence upon the course of one of the old parties. Sometimes they have even sharply turned the course of party history. They are often organized and directed by earnest and patriotic men, who, caring little for the causes at issue between the old parties, use a third party as a means for agitation and education, and as a means of enabling a considerable body of political opinion to find rational expression at the ballot-box.

**Minor parties often exert important influence and serve useful purpose**

For the idea that men must vote with one of two parties is very illogical and at times leads to absurd political inconsistencies. It has led citizens to vote for men whom they did not trust and to subscribe to principles in which they did not believe. "It is often an obstacle to healthy political education and devel-

<sup>1</sup> Woodburn, *op. cit.*, 133-135.

opment. It tends to induce men to subordinate their real convictions to the mere idle purpose of rallying under a traditional party name to carry an election. Rational politics requires that men should stand and vote together for what they think is paramount. To go with a party which the voter thinks is fundamentally wrong or is headed entirely in the wrong direction, merely because the other party is worse, is not calculated to make for wholesome politics or for the ultimate benefit of the country. Third parties do a great service in enabling voters to stand up for their opinions.”<sup>1</sup>

The National Progressive party

The most recent “third” party movement is the outgrowth of the “insurgent” or “progressive” movement alluded to in the preceding chapter. This movement has been in progress for a number of years within the Republican party and to a less degree within the Democratic party also. In the summer of 1912, a large and influential element within the Republican party, finding conditions within that party intolerable, launched the movement for a new party under the name of the National Progressive party. An enthusiastic and very largely attended national convention of those in sympathy with the new movement was held in Chicago in August, 1912, at which an elaborate platform was adopted,<sup>2</sup> and ex-President Theodore Roosevelt and Governor Hiram Johnson of California were nominated for President and Vice-President, respectively.

<sup>1</sup> *Ibid.*

<sup>2</sup> The summary of the National Progressive platform which follows is taken from *The Outlook*, CI, 869 (1912).

The circumstances attending the birth of this new party augured well for a degree of success unusual in such third party movements. In the election of 1912, the Progressive party stood second to the Democratic party in the size of its electoral and popular vote, and polled nearly half a million more votes than the Republican party. While, therefore, it is still correct to speak of the Progressive party as a third party—for so it will for some time continue to be regarded in the popular mind—it is obviously incorrect to call it a minor party. In view of the past prominence of the Republican party and the uncertainty of future party history, we are logically justified in a work of this nature in still treating the Republican party as one of the great national parties, and the Progressive party as a “third,” although not a “minor,” party.

**The Progressive vote in the presidential election of 1912**

The National Progressive platform or “covenant with the people,” briefly summarized, declared for the following policies:

**The Progressive platform summarized**

## I. POLITICAL REFORMS

1. Direct primaries.
2. Nation-wide presidential preference primaries.
3. Direct election of United States senators.
4. The short ballot and the initiative, referendum, and recall in the States.
5. A more easy and expeditious method of amending the Federal Constitution.
6. The bringing under effective national jurisdiction of those problems which expand beyond the reach of the individual States.
7. Equal suffrage for men and women.
8. Limitation of campaign contributions and expenditures, and publicity before as well as after primaries and elections.



9. Laws requiring the registration of lobbyists, publicity of committee hearings, and recording of all votes in committee.

10. Prohibiting Federal appointees from taking part in political organizations and political conventions.

11. Popular review of judicial decisions on laws for securing social justice.

12. The review by the Supreme Court of the United States of decisions of State courts declaring legislative acts unconstitutional.

13. The reform of legal procedure and judicial methods.

14. The prohibition of the issuance of injunctions in labor disputes when such injunctions would not apply if no labor dispute existed.

15. Jury trial for contempt in labor disputes except when the contempt was committed in the presence of the court.

## II. SOCIAL AND INDUSTRIAL REFORMS

16. Effective legislation looking to the prevention of industrial accidents, occupational diseases, overwork, involuntary unemployment, and other injurious effects incident to modern industry.

17. The fixing of minimum safety and health standards for the various occupations and the exercise of the public authority to maintain such standards.

18. The prohibition of child labor.

19. Minimum wage standards for working women, to provide a "living wage" in all industrial occupations.

20. The general prohibition of night work for women and the establishment of an eight-hour day for women and young persons.

21. One day's rest in seven for all wage-workers.

22. The eight-hour day in continuous twenty-four hour industries.

23. The abolition of the convict contract labor system; substituting a system of prison production for governmental consumption only, and the application of prisoners' earnings to the support of their dependent families.

24. Publicity as to wages, hours and conditions of labor; full reports upon industrial accidents and diseases, and the

opening to public inspection of all tallies, weights, measures, and check systems on labor products.

25. Standards of compensation for death by industrial accident and injury and trade disease which will transfer the burden of lost earnings from the families of working people to the industry, and thus to the community.

26. The protection of home life against the hazards of sickness, irregular employment, and old age, through the adoption of a system of social insurance adapted to American use.

27. The establishment of continuation schools for industrial education.

28. The establishment of industrial research laboratories.

29. The establishment of a department of labor.

30. The development of agricultural credit and co-operation.

31. The encouragement of agricultural education.

32. The establishment of a country life commission.

33. Full and immediate inquiry into the high cost of living, and immediate action dealing with every need disclosed thereby.

34. A national health service.

### III. INTERSTATE AND FOREIGN COMMERCE

35. Establishment of a strong Federal administrative commission to maintain permanent, active supervision over industrial corporations, as the government now does over national banks, and through the Inter-State Commerce Commission, over railways.

36. The strengthening of the Sherman Law by specific prohibitions.

37. The enactment of a patent law to prevent the suppression or the misuse of patents in the interest of injurious monopolies.

38. Giving the Inter-State Commerce Commission the power to value the physical property of railways.

39. The abolition of the Commerce Court.

40. Prompt legislation for the improvement of the national currency system which shall give the government full control over the issue of currency notes.

41. The appointment of diplomatic and consular officers solely for fitness and not for political expediency.
42. The construction of national highways.
43. The extension of the rural free delivery service.
44. The comprehensive development of waterways.
45. The operation of the Panama Canal so as to break the transportation monopolies now held and misused by trans-continental railways.
46. A protective tariff which shall equalize conditions of competition between the United States and foreign countries both for the farmer and the manufacturer, and which shall maintain for labor an adequate standard of living. An immediate downward revision of the tariff.
47. A non-partisan, scientific tariff commission.
48. A parcels post, with rates proportionate to distance and service.
49. Governmental supervision for the protection of the public from fraudulent stock issues.

#### IV. MISCELLANEOUS

50. The retention of forest, coal, and oil lands, water and other natural resources in the ownership of the nation.
51. The retention of the natural resources of Alaska in ownership by the nation, and their prompt opening to use upon liberal terms requiring immediate development.
52. For Alaska the same measure of local self-government that has been given to other American Territories.
53. A graduated inheritance tax.
54. The ratification of the Amendment of the Constitution giving the government power to levy an income tax.
55. Introduction of judicial and other peaceful means of settling international differences.
56. An international agreement for the limitation of naval forces, and, pending such an agreement, the maintenance of the policy of building two battle-ships a year.
57. Protection of the rights of American citizenship at home and abroad.
58. Governmental action to encourage the distribution of immigrants, and to supervise all agencies dealing with them,

and to supervise and promote their education and advancement.

59. A wise and just policy of pensioning American soldiers and sailors.

60. The rigid enforcement and extension of the Civil Service Act.

61. A readjustment of the business methods of the National Government, and a proper co-ordination of the Federal Bureaus.

In the last two decades the third parties which at one time or another have attained to positions of influence and importance are the Prohibition party, the Populist party, and the Socialist party. The last, by reason of its rapid growth and its distinctive doctrines, could fairly be regarded before 1912 as the most important of the recent minor parties. The Socialist party's rapid accession of voters in the United States has made it a factor to be reckoned with in national, State, and municipal politics. The combined Socialist vote in the recent presidential campaigns has been as follows:

**Rapid  
growth of  
Socialist  
party**

	VOTE	INCREASE	PER CENT GAIN
1892.....	21,164		
1896.....	36,274	15,110	71.4
1900.....	127,553	91,279	248.8
1904.....	433,537	305,984	239
1908.....	463,800	30,337	7
1912.....	927,180	463,380	100

In the presidential elections of 1904 and 1912 every State recorded at least a few votes for the Socialist ticket. In 1908 only two States failed to record any

Socialist votes. The enormous gain of 239 per cent which the party had made in 1904 had led some to predict that the election of 1908 would bring close to a million votes to the Socialist ticket. This prediction was not fulfilled. In all the States in which the Socialist party had polled its heaviest vote in 1904, with three exceptions, there was a marked falling off, reaching as high as 50 per cent in Illinois. The three exceptions were Indiana, in which there was a gain of nearly 4 per cent, Missouri, with a gain of over 11 per cent, and Pennsylvania, with a gain of 60 per cent. These gains with those made in other parts of the country more than offset the losses mentioned above. The total combined Socialist vote reached 463,800, a gain of nearly 7 per cent over the combined Socialist vote of 1904.

Socialist  
gains in  
1910

The results of the State and congressional elections of 1910 contained much to encourage the Socialists. From practically all parts of the country the reports indicated a decided Socialist advance. The gain was most marked on the Pacific coast, particularly in Los Angeles and San Francisco, and in the Northwest, particularly in Milwaukee, in Chicago, and in Columbus, Ohio. Charles Edward Russell, running for governor of New York, doubled the vote polled by the Socialist candidate in the previous election and even ran ahead of W. R. Hearst, the candidate on the Independence League ticket. Minneapolis came within a thousand votes of electing a Socialist mayor, while Columbus, Ohio, and one of the New York City congressional districts came equally near electing Socialist congressmen. Milwaukee not only had the

distinction of having placed the entire city government in the hands of the Socialists, but had the additional distinction of electing the first Socialist member of Congress, Victor L. Berger. In Milwaukee County the Socialists elected their entire county ticket by pluralities ranging from 5,000 to 7,000, the latter being the plurality of W. A. Arnold, the candidate for sheriff. In addition to this, the Socialists elected thirteen members of the legislature from Milwaukee County, including one senator and twelve assemblymen.<sup>1</sup>

The total vote polled by Socialist candidates in 1910 approximated 605,000, an increase of 23.4 per cent over the vote of 1908. A careful investigation of the number of public offices held by Socialists as late as October, 1911, gives the following results. Counting Socialist officials chosen in 1910 whose terms had not expired and those who were newly elected in 1911, it appears that the number was not less than 435 and probably as high as 500. These officials are scattered through 33 States and 160 municipalities and election districts. They included 1 congressman, 1 State senator, 16 State representatives, 28 mayors, village presidents, and township chairmen, 3 city commissioners, 167 aldermen, councillors, and village and township trustees, 61 others occupying important executive, legislative, and departmental positions, 15 assessors, 62 school officials, and 65 connected with the work of justice and police.<sup>2</sup>

Public  
offices  
held by  
Socialists  
in 1911

The principles and organization of a political party

<sup>1</sup> *Literary Digest*, XLI, 921 (1910).

<sup>2</sup> R. F. Hoxie, in *Jour. Pol. Econ.*, XIX, 609 (1911).

The principles of Socialism

which has been growing so rapidly deserve detailed consideration by all students of American politics.

It is difficult to define either Socialism or a Socialist. There are different brands of Socialism and different varieties of Socialists. Some Socialists are radical, while others are conservative; some emphasize one set of principles and *modus operandi*, while others lay stress upon other principles and a different programme. Volume after volume has been written upon Socialism and Socialists by both friends and critics, and from such varying points of view that the average student is quite bewildered. To add to his confusion, he finds the ultra-conservatives in both great parties stigmatizing as *socialistic* certain reforms advocated by members of their own parties which they regard as too radical.

In the following discussion of Socialism, only a few broad generalizations can be advanced. These are subject to numerous exceptions and variations; but on the whole it is hoped and believed that they do not materially misrepresent the main principles of economic and political Socialism. For Socialism is at one and the same time an economic theory and a programme of political action. One accordingly finds Socialism a proper subject of discussion in text-books on both economics and politics.

Socialism includes an economic creed having a negative and a positive side

As an *economic creed*, Socialism may be said to have two aims, a negative and a positive, each directed primarily to the betterment of the condition of the so-called working or wage-earning classes. Considered with reference to its *negative* side, Socialism appears as a movement of protest against the existing economic

order. Socialists teach that society, under the present capitalist and wage system, is divided into two great economic classes. One of these classes includes a comparatively small body of men, the capitalists, who own substantially all the tools and implements of industry by means of which wealth is created. This class very largely, if not wholly, determines the conditions under which labor is carried on and the wages which the workers shall receive. The other and vastly greater class consists of the employees or wage-earners who do practically all the work of creating wealth with these tools and implements of industry. Against this division of society and the consequences flowing from it Socialism brings its indictment.<sup>1</sup>

The Socialist protests (1) against the exploitation of the wage-earner by the capitalists. By this the Socialist means to say that the wage-earners as a class are universally getting less for their services than they are really worth while the capitalist profits thereby unreasonably and unjustly. This exploitation is regarded as an inevitable result of the private ownership of the means of the production and distribution of wealth.

Socialists protest (2) that the present economic régime permits the growth of private monopolies and offers no effective means of checking them. This is another inevitable result of the private ownership of natural resources and the means of production.

The Socialist sees (3) only chaos in the present arrangement of society, and the lack of any plan for the constructive development of all its parts. The world

<sup>1</sup> *The Outlook*, LXXXIV, 10 (1906); *ibid*, XCV, 831 (1910).



appears as a bundle of contradictions to the Socialist. Wherever he looks he sees good and bad, abundance and scarcity, the greatest extremes of wealth and poverty. "Whatever happens to be seems to him but the result of blind chance."

Socialists protest (4) against the wastefulness of the present economic system. For competition which is uneconomical, they would substitute co-operation, which makes for economy. Under the competitive system much is done in duplicate and triplicate that could just as well be done once under a system of co-operation.

Finally, Socialists protest (5) against the essentially evil nature of competition, which seems to call out all the bad in human nature and to suppress much that is good. "To beat their competitors and make a profit, men adulterate food, employ child labor, violate factory inspection laws, and pay low wages."<sup>1</sup>

Expressed in other words, Socialism, on its negative side, seeks the abolition of those fundamental features of the present economic order which seem to justify its indictment, namely, the capitalist class, the wage system, the private ownership of land and natural resources, and private ownership of the tools, implements or machinery by which wealth is created. Some Socialists would go so far as to do away with all private ownership of property. The more moderate Socialists would not totally abolish private property, but would merely confine it to things which minister directly to the satisfaction of human wants, as, for example, houses, clothes, food, and the like.

<sup>1</sup> Nearing and Watson, *Economics*, 470.

But Socialism is more than a protest against the existing order. It has also a *positive* aim and a programme for the economic reconstruction of society. Having abolished the institution of private property, the Socialist believes that a general amelioration of society would take place if the entire ownership of land and the instruments used in producing wealth were transferred to the State or to the government as the agent of the State. The State or government would thus become the "director of all industrial undertakings. All business managers and workmen would then become government officials employed in government enterprises. Private initiative and competition in industry would be superseded by State initiative."<sup>1</sup> The details of the conduct of industries would be "intrusted to men who are technically familiar with its processes, precisely as it is now intrusted to managers by the stockholders of a corporation; in short, the whole of industry will represent a giant corporation in which all the citizens are stockholders, and the state will represent a board of directors acting for the whole people."<sup>2</sup>

The *positive* side of the economic creed

Stated a little more concretely, Socialism means that the city, or county, or State, or the nation, each in its separate sphere, would own "all the trolleys, all the railways, all the factories, all the mines, all the forests; in a word, all these industrial enterprises which are now carried on by groups of men acting together."<sup>3</sup> Our government now owns the post-office, and most governments own the telegraph. "Nearly all," says

Concrete applications of these principles

<sup>1</sup> *Ibid.*

<sup>2</sup> E. V. Debs, in *The Independent*, LXV, 879 (1908).

<sup>3</sup> *The Outlook*, XCV, 833 (1910).

Professor Ely, "own the wagon roads. Some own the canals and railways. Many governments own factories. Probably every government does at least a little manufacturing. Most governments cultivate forests and some cultivate arable lands. We have only to imagine an extension of what already exists until government enterprise *dominates* in manufactures, mining, transportation, and carries on, in short, most productive enterprises, and we have Socialism pure and simple."<sup>1</sup>

The socialized state would organize and direct this complicated industry as our government now organizes and directs the army, or the post-office, or the construction of the Panama Canal. It would "assign to every one his place in this great industrial organization," and would "take all the proceeds and divide them equitably among all the people." The state would become the employer, for the capitalist would cease to be, and all citizens of the state would be the employees. "Each man's task would be assigned to him by the state, and by the state the hours and conditions of his labor would be determined and his wages allotted."<sup>2</sup>

The  
means of  
achieving  
their real-  
ization

Regarding the means of realizing these positive aims of Socialism, one group, who may be designated as the revolutionary Socialists, looks forward to a general uprising on the part of the masses who will first obtain control of the government, then confiscate all land and capital goods, and finally inaugurate the system of state-conducted industry. A second group

<sup>1</sup> R. T. Ely, *Outlines of Economics* (new and revised edition), 519.

<sup>2</sup> *The Outlook*, XCV, 833 (1910).

condemns violent and revolutionary measures and looks forward, instead, to "a gradual transition to Socialism through a step-by-step extension of the functions of government, to be defended, at each stage, not by any preconceived preference for Socialism, but by the exigencies of each situation." Judged by its platforms of 1908 and 1912, the present Socialist party in the United States ought to be placed in this category. Still a third group of Socialists looks for the new system as the result of a revolutionary, though entirely voluntary, change approved by all classes because the competitive system will have become intolerable.<sup>1</sup>

Acceptance of such an economic creed, in which the government would serve not only as the political but also as the industrial agent of society, seems to lead logically to an active participation in politics. Only thus would it seem that Socialism can hope to realize both its negative and its positive aims. As a political party, therefore, the Socialists seek to obtain the support of a majority of the American voters in order to secure control of the government, national, State, or local. Accomplishing this, the party would be in a position to substitute the Socialist political-economic programme for the present capitalist and wage system. If the more moderate Socialists were in the majority, this change would be effected gradually and doubtless by strictly legal processes. Should the more revolutionary Socialists predominate, the transformation would be more abrupt and would doubtless be accompanied by more or less confiscation and disregard of existing legal rights. Or, failing in their efforts to

***Economic  
Socialism  
leads log-  
ically to  
political  
Socialism***

<sup>1</sup> H. R. Seager, *Introduction to Economics*, 527.

obtain mastery of the governmental machinery, the Socialists hope to acquire such political strength that one or both great parties, needing and desiring their support, will be willing to concede some or all of the fundamental positions of Socialism and annex, so to speak, at least the substance of its programme of reform under a different name.

In the United States there are two Socialist parties

In Germany, France, Belgium, and recently in Great Britain, Socialists as a distinct party, or as a potent group within a larger party, constitute a political factor of the first importance. In the United States at the present time there are two Socialist parties, the Socialist Labor party and the Social Democratic party, usually called merely the Socialist party.

The Socialist Labor party

The Socialist Labor party is the older of the two, and for a period of about twenty years, between 1879 and 1899, it was the dominant factor in the Socialist movement in this country.<sup>1</sup> To-day the party is a mere remnant and plays a negligible part in American politics. Its total vote for President in 1904 was only 31,249, while in 1908 it dwindled to 15,421. This party makes its appeal almost exclusively to the working classes. It declared in its platform of 1908 that "man cannot exercise his right of life, liberty, and the pursuit of happiness without the ownership of the land and the tools with which to work. Deprived of these, his life, liberty, and fate fall into the hands of the class that owns these essentials for work and production."<sup>2</sup> A radical appeal was made to the working

<sup>1</sup> See Hillquit's *History of Socialism in the United States*.

<sup>2</sup> The platforms of both Socialist parties for 1908 and 1912 may be found in the *World Almanac* for 1910 and 1913 respectively.

classes to unite against the property-owning class. The radical character of the party was reflected in its presidential candidate in 1908. The nominee was M. R. Preston, then serving a sentence of twenty-five years in the Nevada State Penitentiary for the murder of an employer committed while Preston was serving as a picket in time of strike. Preston is regarded by the Socialist Labor party as one of its martyrs in its warfare upon capitalism.<sup>1</sup> While declaring war upon the present régime, the Socialist Labor party puts forward no definite, practicable programme of reconstruction.

The Social Democratic party, usually called the Socialist party, has been making rapid strides since its organization in 1897. In the presidential election of 1912 it polled nearly a million votes. The majority of this party, unlike the majority of the Socialist Labor party, seem to entertain moderate rather than radical socialistic views: they are sometimes called opportunists. Nevertheless there is, even within this party, a radical element of considerable strength, which wishes to go further than the moderates in their plans for the overthrow of the old order. In its origin the Socialist party was the result of a fusion of two elements: one an element seceding from the Socialist Labor party having become dissatisfied with conditions in that party, and the other a new Socialist organization which had grown up outside the ranks of the Socialist Labor party. The person most active in organizing the party and most conspicuous in its subsequent history is Eugene V. Debs.<sup>2</sup>

The  
Social  
Demo-  
cratic party

<sup>1</sup> *The Independent*, LXV, 891 (1908).

<sup>2</sup> Hillquit, *op. cit.*

Party organization of Socialists includes (1) "enrolled" members

The Socialist party has a well-developed and distinctive organization in practically every State. The nucleus of the organization consists of about 150,000 "enrolled" members. To become a member of the party and be entitled to participate in party government, one must sign an application form, indorsing the constitution and platform of the party, and proclaim severance of all relations with any other party. These 150,000 members are organized into about 3,000 "locals," a majority vote of a local being necessary for the enrolment of a new member. Women are admitted to membership on the same basis as men and participate as party officials and delegates.

Each "enrolled" member pays annual dues of three dollars in monthly instalments. After the manner of trade-unions, each enrolled member is given a membership card to which monthly dues stamps are attached when dues are paid. It is claimed that the dues system is "a most simple and effective method of financing the organization, and reduces the labor of accounting to a minimum. The dues system makes the mass membership responsible for the party's financing and prevents individual members from desiring or assuming a right to special privileges, on the strength of being necessary to the party because of their ability to 'foot the bills'—a condition recognized as a part of the 'practical politics' of all other political organizations."

(2) A system of committees

The locals elect city, State, and national committees which administer the party affairs. There is a National Executive Committee which meets at frequent intervals. The chief executive of the party is the

national secretary, who is elected by a referendum of the entire enrolled membership of the party, and has permanent headquarters or offices in Chicago.

The national organization of the party maintains about one hundred and twenty-five paid organizers in the field who are at work the year round organizing new locals, speaking, agitating, selling and distributing literature. Some of them are clergymen, others are trade-unionists and farmers. Besides the national organizers, every State has its own organizers, every local and often each small branch of a local has paid or voluntary organizers. "Altogether there are probably not less than four thousand speakers at work every night of the year lecturing, campaigning and selling literature."<sup>1</sup> Tons of literature are sent from the national office and from various Socialist publishing houses. Among the Socialist periodicals circulating in the United States one finds nine daily papers, three printed in English and six in foreign languages. The most important of these have been the *New York Call* and the *Chicago Daily Socialist*, their circulation approximating a hundred thousand. In addition to these there are nearly forty weekly papers published in English, and between twenty and thirty in some foreign language.<sup>2</sup>

(3) A corps of organizers who conduct a campaign of education

A leading Socialist, who is the authority for many of the foregoing statements, says that "at present there is perhaps more Socialist literature circulated in the United States than in any other country in the world, with the possible exception of Germany."<sup>3</sup>

It is this continuous campaign of education prose-

<sup>1</sup> *Review of Reviews*, XXXVIII, 293 (1908).

<sup>2</sup> *Ibid.*

<sup>3</sup> *Ibid.*



**Their  
propa-  
ganda has  
been suc-  
cessful  
among  
trade-  
unionists**

cuted with special vigor in every working-class district in the country that goes far toward explaining the rapid increase in the Socialist vote. Trade-unions have been found to be valuable agencies for the diffusion of Socialist doctrines. "Every contest of magnitude between the employers and trade-unions is a Socialist opportunity, and no such opportunity is neglected. Socialist organizers and newspapers throw themselves strenuously into the fight. The occasion is made use of for the preaching of Socialist doctrine and the pointing of Socialist morals." One result is that the socialistic tendencies in trade-unions at the present time is a topic deserving thoughtful consideration by students of labor problems and politics. Since 1900 official declarations favoring the collective ownership and operation of the means of production have been made by the Wisconsin State Federation of Labor, and by similar bodies in Michigan, Iowa, and Minnesota. From the central federated union in large cities like New York, St. Louis, Cleveland, Milwaukee, Columbus, Erie, Wilkes-Barre, and Toledo other similar declarations have come. The bakers' union, various unions of carpenters, the switchmen's union, the brewers' union, and certain unions among coal-miners, all declared for Socialism immediately before or during the presidential campaign of 1908. More recently several national unions, including the Western Federation of Miners and the United Mine Workers of America, have in one way or another officially indorsed the Socialist programme. A few years ago scarcely a labor newspaper or periodical could be induced to print matter at all friendly to Socialism.

To-day not less than fourteen leading trade-union periodicals are openly advocating Socialism, while nearly all such organs will now print in their columns articles or letters for and against Socialism. Strenuous, though as yet unsuccessful, efforts have been made for a long time to obtain a formal indorsement of the Socialist programme from the American Federation of Labor.<sup>1</sup>

In quite unexpected quarters too the Socialists have made important gains in recent years. The farmers, whom many have considered immune from socialistic doctrines, are coming into the party in considerable numbers. In literary and university circles the converts are numerous, and several hundred clergymen, within the past few years, have united with the party.<sup>2</sup>

The results of this propaganda were reflected to some extent in the national convention at Chicago in 1908. Three hundred delegates were present, representing every State in the Union. A large number were trade-union officials, but at the same time there were farmers and professional men in surprising numbers. Unlike the earlier Socialist conventions, all but a few of the delegates were native-born Americans. Socialism in this country can no longer be correctly described as a purely working-class movement or stigmatized as a foreign propagandism.<sup>3</sup>

The delegates to a national convention are elected

<sup>1</sup> W. MacArthur, in *Annals*, XXIV, 316 (1904); J. C. Kennedy, in *Jour. Pol. Econ.*, XV, 470 (1907); and Robert Hunter, in *Rev. of Rev.*, XXXVIII, 293 (1908).

<sup>2</sup> Robert Hunter, *op. cit.*

<sup>3</sup> R. F. Hoxie, in *Jour. Pol. Econ.*, XVI, 442 (1908).

National  
conven-  
tion, the  
party ref-  
erendum

by referendum. Their railway and other expenses are paid by the party, and most of their work is planned beforehand by the membership in the various locals. Indeed, one striking peculiarity of the Socialist party lies in the fact that all party affairs are passed upon by the enrolled members. Even the platform adopted by the national convention is subjected to a referendum for final decision. "Not a principle is decided, not a delegate or official is chosen, without a vote of the rank and file."<sup>1</sup>

In nominating candidates for public offices the Socialists require the nominee to sign a resignation of the office with blank date, which is placed in the hands of the local organization to be dated and presented to the proper officer in case the candidate be elected and fails to adhere to the platform, constitution, or mandates of the membership.

The So-  
cialist  
platform  
of 1912

Prior to 1908 a statement of the general principles upon which the party is based had served sufficiently well for campaign purposes. But with the growth of the party, it was found necessary in 1908 and 1912 to prepare a "working programme" to guide Socialists in State legislatures and city councils. Accordingly the platforms of those years, while not omitting the customary statement of general principles, added a list of "demands" or a "working programme." The platforms as thus formulated constitute a skilful compromise between the moderate, constructive, or practical Socialists, on the one hand, and, on the other hand, the radical, revolutionary, or "impossibilist" elements in the party.<sup>2</sup>

<sup>1</sup> Robert Hunter, *op. cit.*

<sup>2</sup> R. F. Hoxie, *op. cit.*

*Working Programme, 1912*

As measures calculated to strengthen the working class in its fight for the realization of its ultimate aim, the co-operative commonwealth, and to increase its power of resistance against capitalist oppression, we advocate and pledge ourselves and our elected officers to the following programme:

*Collective Ownership*

1. The collective ownership and democratic management of railroads, wire and wireless telegraphs and telephones, express services, steamboat lines, and all other social means of transportation and communication and of all large-scale industries.

2. The immediate acquirement by the municipalities, the States or the Federal Government of all grain elevators, stock yards, storage warehouses, and other distributing agencies, in order to reduce the present extortionate cost of living.

3. The extension of the public domain to include mines, quarries, oil wells, forests and water-power.

4. The further conservation and development of natural resources for the use and benefit of all the people:

(a) By scientific forestation and timber protection.

(b) By the reclamation of arid and swamp tracts.

(c) By the storage of flood waters and the utilization of water power.

(d) By the stoppage of the present extravagant waste of the soil and of the products of mines and oil wells.

(e) By the development of highway and waterway systems.

5. The collective ownership of land wherever practicable, and in cases where such ownership is impracticable, the appropriation by taxation of the annual rental value of all land held for speculation or exploitation.

6. The collective ownership and democratic management of the banking and currency system.

*Unemployment*

The immediate government relief of the unemployed by the extension of all useful public works. All persons employed on such works to be engaged directly by the government un-

der a work-day of not more than eight hours and at not less than the prevailing union wages. The government also to establish employment bureaus; to lend money to States and municipalities, without interest, for the purpose of carrying on public works, and to take such other measures within its power as will lessen the widespread misery of the workers caused by the misrule of the capitalist class.

### *Industrial Demand*

The conservation of human resources, particularly of the lives and well-being of the workers and their families:

1. By shortening the work-day in keeping with the increased productiveness of machinery.
2. By securing to every worker a rest period of not less than a day and a half in each week.
3. By securing a more effective inspection of workshops, factories and mines.
4. By forbidding the employment of children under sixteen years of age.
5. By the co-operative organization of the industries in the Federal penitentiaries for the benefit of the convicts and their dependents.
6. By forbidding the interstate transportation of the products of child labor, of convict labor and of all uninspected factories and mines.
7. By abolishing the profit system in government work, and substituting either the direct hire of labor or the awarding of contracts to co-operative groups of workers.
8. By establishing minimum wage scales.
9. By abolishing official charity and substituting a non-contributory system of old-age pensions, a general system of insurance by the State of all its members against unemployment and invalidism and a system of compulsory insurance by employers of their workers, without cost to the latter, against industrial diseases, accidents and death.

### *Political Demands*

1. The absolute freedom of press, speech and assemblage.
2. The adoption of a graduated income tax, the increase of the rates of the present corporation tax and the extension of

inheritance taxes, graduated in proportion to the value of the estate and to nearness of kin—the proceeds of these taxes to be employed in the socialization of industry.

3. The abolition of the monopoly ownership of patents and the substitution of collective ownership, with direct rewards to inventors by premiums or royalties.

4. Unrestricted and equal suffrage for men and women.

5. The adoption of the initiative, referendum and recall and of proportional representation, nationally as well as locally.

6. The abolition of the Senate and of the veto power of the President.

7. The election of the President and Vice-President by direct vote of the people.

8. The abolition of the power usurped by the Supreme Court of the United States to pass upon the constitutionality of the legislation enacted by Congress. National laws to be repealed only by act of Congress or by a referendum vote of the whole people.

9. The abolition of the present restrictions upon the amendment of the Constitution, so that that instrument may be made amendable by a majority of the voters in the country.

10. The granting of the right of suffrage in the District of Columbia with representation in Congress and a democratic form of municipal government for purely local affairs.

11. The extension of democratic government to all United States territory.

12. The enactment of further measures for general education and particularly for vocational education in useful pursuits. The Bureau of Education to be made a Department.

13. The enactment of further measures for the conservation of health. The creation of an independent bureau of health, with such restrictions as will secure full liberty to all schools of practice.

14. The separation of the present Bureau of Labor from the Department of Commerce and Labor and its elevation to the rank of a Department.

15. Abolition of all Federal district courts and the United States Circuit Courts of Appeal. State courts to have jurisdiction in all cases arising between citizens of the several

States and foreign corporations. The election of all judges for short terms.

16. The immediate curbing of the power of the courts to issue injunctions.

17. The free administration of the law.

18. The calling of a convention for the revision of the Constitution of the United States.

The opponents of Socialism have made much of the declarations favoring the abolition of the Senate, the abolition of the power of the Supreme Court to declare acts of Congress unconstitutional, and the abolition of the veto power of the President.<sup>1</sup> These demands should not, however, be taken too seriously. They appear to have been inserted as a sop to the radical element in the party which is possessed at present of considerable strength.<sup>2</sup> They were inserted in lieu of a still more radical series of declarations desired by this element. There is good reason to believe that such political demands form no part of the real desires or aims of the saner and more conservative element in the party which is rapidly increasing in numbers and influence.

**Future of  
Socialism  
in United  
States**

Regarding the future of the Socialist party in national politics one may inquire, in conclusion: Will it ever command the support of a majority of the American voters and thus find itself in a position to carry into execution its political-economic programme? The history of previous third parties affords little ground for an affirmative answer. It seems highly improbable that a party boldly assuming the Socialist name and pledged to the full programme of Socialism will

<sup>1</sup> *E. g.*, see *The Outlook*, LXXXIX, 974 (1908).

<sup>2</sup> R. F. Hoxie, *op. cit.*

ever displace the two great parties which so long have dominated American politics. In this opinion a prominent Socialist concurs when he says: "I don't think we are ever going to elect a President or a Congress or anything. . . . The dominant political party, whichever it may be, will be forced by the logic of events toward the Socialist programme—forced so far toward it that the dominant political party will carry it out unawares."<sup>1</sup>

History reveals the fact that "no inconsiderable part of the progressive movement in society has begun outside of the political organizations which ultimately gave practical effect to the new doctrines." The Socialist party may prove to be what other third parties have been, a powerful leavening force whose principles have gradually but extensively permeated the older parties in the past. There is much evidence tending to produce the conviction that such a gradual, unconscious but steady inoculation of the old parties with what are now called socialistic principles is taking place at the present time, and that in the future this tendency will move at an accelerated pace. It may be surprising to take the platforms of the Republican, Democratic, and National Progressive parties, after reading the Socialist "demands," and note the numerous points of similarity.

Throughout the nation we have witnessed during the past few years an enormous extension of governmental activity in industrial affairs, and especially in

<sup>1</sup> Gaylord Wilshire, quoted in *The Independent*, LXVI, 1305. "When the country has once made it clear that it means to have Socialism, the Republican party will supply the article." Upton Sinclair, in *ibid.*



the interests of the wage-earners. It is an interesting question upon which to speculate whether the great industrial combinations of the present, the remarkable concentration of railway control, the consolidation of telegraph and telephone systems, and the increasingly strict governmental regulation or supervision of these various forms of economic activity, may not prove to be an unconscious preparation for the easy and complete realization of the Socialist ideal.<sup>1</sup>

Whatever may be the ultimate future of the Socialist party, "the immediate future depends more on the character of the party personnel and the party machinery than on mere declarations of policy." The party needs to be purged of certain radical elements which breed only dissensions within and distrust without; and the party machinery must be so modified as to vest in its executive officers more effective control of the various party organs and functions.<sup>2</sup>

### QUESTIONS AND TOPICS

1. The history and influence of the following minor parties: (a) the Quids, (b) the Blue Light Federalists, (c) the Anti-Masonic party, (d) the American or Know-Nothing party, (e) the Loco Focos, (f) the Abolitionist party, (g) the Liberty and Free Soil parties, (h) the Greenback party, (i) the Liberal Republicans, (j) the Mugwumps, (k) the Populists, and (l) the Prohibitionist party. (See the larger works on American history, such as Adams, Hildreth, McMaster, Rhodes, Schouler, and Von Holst.)

2. Compare the platforms (1908) of the Socialist and the Socialist Labor party.

3. What are the differences between Socialism and Anarchism?

<sup>1</sup> P. O. Ray, in *The Sewanee Review*, XVI, 472 (1908).

<sup>2</sup> R. F. Hoxie, in *Jour. Pol. Econ.*, XVI, 442 (1908).

4. The International Working People's Association and the International Workingmen's Association?

5. Compare the "New Nationalism" of ex-President Roosevelt's speech at Ossawatimie, Kansas, September 1, 1910, with the platform of the Socialist party.

6. Why did the Socialist vote for President in 1908 fall so far below expectations? Reasons for the gain in 1912?

7. An interpretation of recent Socialist successes in State and local elections. (See Hoxie.)

8. The political influence and activity of Socialism in Wisconsin.

9. What has been accomplished by the Socialist administration in Milwaukee and Schenectady? Explain the defeat of the Socialists in Milwaukee in 1912.

10. The political creed of Socialists in European countries.

11. Socialistic activities of the government in New Zealand and Australia.

12. Is it true, as alleged in the Socialist platform of 1912, that the Supreme Court of the United States has "usurped" the power to declare acts of Congress unconstitutional? (See C. A. Beard, in *Pol. Sci. Quar.*, XXVII, 1 (1912).)

13. The growth of an interest in Socialism and its various manifestations in American colleges and universities. (See *Philadelphia Public Ledger*, 7 April, 1912.)

14. The contest in the Socialist National Convention of 1912 over "Industrialism." (See *Literary Digest*.)

15. The attitude of the agricultural classes toward the plank in the Socialist platform which declares for "the collective ownership of land." (See Johnston.)

16. Socialism in American trade-unions. (See Kennedy, MacArthur.)

17. The conference of leaders of the Progressive party in Chicago in December, 1912, and its plan for conducting a campaign of education.

## BIBLIOGRAPHY

Abbott, E. H., "Socialism," in *The Outlook*, XCVII, 732 (1911). Gives a list of the best books on Socialism.

Abbott, Lyman, "Socialism," in *The Outlook*, LXXXVIII, 537 (1908).

- Abbott, Lyman, "Political Socialism," in *The Outlook*, XCV, 831 (1910).
- Berger, Victor, "What is the Matter with Milwaukee?" in *The Independent*, LXVIII, 840 (1910).
- Bourne, George, "Socialistic Tendencies in England," in *The Forum*, XLV, 57 (1911).
- Boyle, James, *What is Socialism?* (1912).
- Chesterton, G. K., "Objections to Socialism," in *The Forum*, XLI, 129 (1909).
- Cross, I. B., *Essentials of Socialism* (1912).
- "Socialism in California Municipalities," in *Nat. Mun. Rev.*, I, 611 (1912).
- Current Literature*, XLIX, 265 (1910), "Victor Berger, the Organizer of the Socialist Party in Milwaukee."
- Debs, E. V., "The Socialist Party's Appeal," in *The Independent*, LXV, 875 (1908).
- Dreher, W. C., "The German Drift toward Socialism," in *Atlantic Monthly*, CVIII, 101 (1911).
- Ely, R. T., *The Labor Movement in America* (new edition, 1890).
- *Socialism* (1894).
- *Outlines of Economics* (rev. ed., 1908), ch. 30.
- England, G. A., "Milwaukee's Socialist Government," in *Rev. of Rev.*, XLII, 445 (1910).
- "International Socialism as a Political Force," in *Rev. of Rev.*, XXXVII, 577 (1908).
- Gaylord, W. R., "The Legislative Programme of the Socialist Party in Wisconsin Legislature, 1909," in *Am. Pol. Sci. Rev.*, III, 226 (1909).
- Gillhaus, A., "The Socialist Labor Party's Appeal," in *The Independent*, LXV, 889 (1908).
- Gilman, N. P., *Socialism and the American Spirit* (1893).
- Griffin, H. F., "The Rising Tide of Socialism," in *The Outlook*, C, 438 (1912).
- Hart, A. B., "A New Party: Do the People Want It?" in *Rev. of Rev.*, XLVI, 197 (1912). On the National Progressive party.
- Hillquit, Morris, *History of Socialism in the United States* (1903). On the whole, the best history of American Socialism.

- Holmes, F. L., "Socialist Legislators at Work," in *The Independent*, LXX, 592 (1911).
- Howe, F. C., "Milwaukee: A Socialist City," in *The Outlook*, XCV, 411 (1910).
- Hoxie, R. F., "The Convention of the Socialist Party" (1908), in *Jour. Pol. Econ.*, XVI, 442 (1908).
- "The Rising Tide of Socialism," in *Jour. Pol. Econ.*, XIX, 609 (1911).
- "The Socialist Party and American Convention Methods," in *Jour. Pol. Econ.*, XX, 738 (1912).
- Hunter, Robert, "The Socialist Party in the Present Campaign," (1908), in *Rev. of Rev.*, XXXVIII, 293 (1908).
- Independent*, The, LXV, 1304 (1909), "Constructive Socialism."
- LXVIII, 330 (1910), "Barbarous Spokane."
- *Ibid.*, 819 (1910), "Milwaukee."
- Johnston, Charles, "Socialism and the American Farmer," in *No. Am. Rev.*, CXCVI, 305 (1912).
- Kelley, Edmond, *Twentieth Century Socialism* (1910).
- Kennedy, J. C., "Socialistic Tendencies in American Trade Unions," in *Jour. Pol. Econ.*, XV, 470 (1907).
- Kirkup, Thomas, *An Inquiry into Socialism* (3d ed., rev. and enlarged, 1907). "Best small and conservative presentation of Socialism."
- Lewis, A. H., "Schenectady's Socialist Mayor," in *The World To-Day*, XXI, 1751 (1912).
- Literary Digest*, XLI, 921 (1910), "A Socialist in Congress."
- XLIII, 965 (1911), "An Election Day of Rebukes."
- *Ibid.*, 965 (1911), "Interpreting the Socialist Vote."
- XLIV, 740 (1912), "Milwaukee's Socialist Reverse."
- *Ibid.*, 1144 (1912), "Socialists Rebuking Violence." On the National Convention of 1912.
- XLV, 943 (1912), "The Socialist Vote" (1912).
- McCarthy, Charles, *The Anti-Masonic Party*, in *Am. Hist. Assn. Report*, I (1902).
- Mallock, W. H., *A Critical Examination of Socialism* (1907).
- Martin, J., "Our Government's Widespread Socialistic Activities," in *World's Work*, XVI, 10651 (1908).
- Miller, C. R., "Why Socialism is Impracticable," in *Century Magazine*, LXXIX, 903 (1910).
- National Congress of the Socialist Party, Chicago, May, 1910, *Proceedings*.

- Nearing, Scott, and Watson, F. D., *Economics* (1908), ch. 64, "The Programme of Socialism."
- Orth, S. P. "The World-Wide Sweep of Socialism," in *World's Work*, XXIV, 42, 146 (1912).
- "Is Socialism Upon Us?" in *World's Work*, XXIV, 452 (1912).
- *Socialism and Democracy in Europe* (1913).
- Outlook, The*, LXXXIX, 974 (1908), "The Socialist Platform."
- XCIV, 821 (1910), "A Socialist Victory in Milwaukee."
- XCIX, 1073 (1911), "Socialism in Milwaukee."
- C, 152, 156 (1912), "The German Elections."
- CII, 377 (1912), "Why a New Party?"
- CII, 830 (1912), "The Conference of Progressives in Chicago."
- CII, 837 (1912), "Wanted—A Campaign of Education."
- Porritt, Annie G., "The Socialist Movement in England," *The Forum*, XL, 215 (1908).
- Ray, P. O., "The Unconscious Trend toward Socialism," in *Sewanee Review*, XVI, 472 (1908).
- Review of Reviews*, XL, 88 (1909), "The Fallacies of American Socialism."
- Reybaud, Louis, "Socialism and Socialists," in Lalor, III, 745.
- Roosevelt, Theodore, "Socialism," in *The Outlook*, XCI, 619, 662 (1909).
- Russell, C. E., "Milwaukee, Our First Socialist City," in *Success*, XIII, 569 (1910).
- Seager, H. R., *Introduction to Economics*, (1904), pp. 527 ff.
- Seltzer, T., "The Growth of Socialism," in *Rev. of Rev.*, XLV, 341 (1912). Chiefly on German Socialism.
- Smith, H. K., "The Progressive Party," in *Yale Rev.*, II, 18, (1912).
- Smith, T. C., *The Liberty and Free Soil Party in the Northwest*, (1897).
- Spargo, John, and Arner, G. L., *Elements of Socialism* (1912).
- Stanwood, Edward, *A History of the Presidency* (1898). Gives considerable information on the minor parties.
- Sumner, Mary B., "The Parting of the Ways in American Socialism," in *The Survey*, XXIX, 623 (1913).
- Thompson, C. D., "Social Democratic Programme in the Wisconsin Legislature," in *Am. Pol. Sci. Rev.*, I, 457 (1907).

Thompson, C. D., *The Constructive Programme of Socialism* (1908). Pamphlet on the legislative programme of Socialists in American legislative bodies.

Walling, W. E., "A Crisis in the Socialist Party," in *The Independent*, LXXII, 1047 (1912).

Woodburn, J. A., *Political Parties and Party Problems*, ch. 9, "Minor Parties."

*World's Work, The*, XX, 12995 (1910), "A Socialist City in America" (Milwaukee).

— XXIII, 252 (1912), "The Tide of Socialism."

## *PART TWO*

### NOMINATING METHODS

#### CHAPTER IV

##### NOMINATIONS FOR LOCAL OFFICES—THE CAUCUS OR PRIMARY

**Elections  
preceded  
by nom-  
inations**

The immediate purpose or object of party existence is to obtain control of the government by carrying the elections of officials who in one capacity or another are to administer the government. Elections imply rival candidates for the support of the party in its effort to obtain the offices. Therefore, previous to every important election, each political party, in one way or another, selects from its membership the persons whom it will support for different offices at the ensuing election. This process of selection is called making nominations, and the persons so nominated are called the nominees or candidates; and collectively they make up the party "ticket." Every person who to-day fills an elective office in the United States, whether Federal, State, or local, has received some form of nomination prior to his election. The vast majority have been nominated by one of the two great political parties, and it is the wish of every person desiring to become a candidate to receive what is called a "regular" nomination by some political party.

Five different methods of nominating candidates for elective offices are employed in the United States at the present time.

**Nominations made under five different methods**

(1) A person may offer or present himself to the voters as a worthy candidate for some office and ask their support at the approaching election. His candidacy is said to be "self-announced," or he is said to be "self-nominated." This method prevailed generally in the Southern States before the Civil War. At the present time it is found in some parts of the South and West, and occasionally in the Northern States, especially in the case of candidates running independently of a party nomination. In comparison with the other four methods, self-nominations are extremely rare.

**1. Self-announcement**

(2) *Nomination by caucus or primary* is confined to the naming of candidates for local offices and the selection of delegates to some nominating convention representing the voters of a considerable area.

**2. Caucus or primary**

(3) *Nomination by conventions* composed of delegates supposed to be selected by, and to represent, the voters of the party residing in a district of considerable size or density of population, has been the prevailing method since 1840 for selecting candidates for national, State, county, and certain municipal offices.

**3. Delegate conventions**

(4) *Nomination by direct primary election* is rapidly supplanting the convention system. Such an election is conducted with many, if not all, of the safeguards and formalities accompanying a regular election. The voters of each party designate on a formal ballot those members of their party whom they desire to become the party candidates at the approaching

**4. Direct primary elections**



election; or else the party voters formally vote for delegates to some convention in which the final selection of candidates is made. This method of nomination has been applied chiefly to local, county, and State officers; in some States, however, it has been extended to the nomination of representatives in Congress and United States senators. The direct primary election system originated as a remedy for the evils of the convention system in State and local politics; but it has also made its appearance in the field of national politics.

#### 5. Petition

(5) *Nomination by petition or by "nomination papers"* first came into use with the adoption of the Australian ballot between 1880 and 1890. It provides that candidates may be placed in nomination by filing with some specified officer nomination papers, or petitions, signed by a certain number of qualified voters. The proper filing of these papers entitles the candidates named therein to have their names printed upon the official ballot. Resort to this method is comparatively rare. It is invoked usually by a disappointed faction of a party which desires to "bolt" the regular party nominations and to support a rival ticket. It is now being strongly recommended for municipal nominations in order to promote non-partisanship in municipal elections.

These methods best studied in connection with offices in the different units of government

These different methods of making nominations are not mutually exclusive: two or more of them may be found in concurrent operation in the same State. Their practical operation will appear more clearly if we consider separately nominations for local offices, for county and State offices, and for offices under the Federal Government.

By *nominations for local offices* is meant the selection of candidates for borough, town, city, ward, or precinct offices—in other words, for offices in the lowest political unit. For such offices, candidates are usually nominated at a general meeting of the voters belonging to the respective parties. The same meeting often selects delegates to represent the local unit in some nominating convention made up of delegates similarly chosen from co-ordinate political units. It also selects the members of the precinct, ward, or town committee. In theory, every voter belonging to the party has a right to attend this meeting and to vote; but in large cities the privilege is confined in practice to registered voters who have answered certain test questions relating to their party adherence or who are enrolled in some political club or association.

In nominations for local offices the caucus or primary is the most common method

To this general meeting of the party voters in the lowest political unit two names are given. In New England, where such a meeting is practically a mass-meeting of the party voters, and in a few Western States, it is called a "caucus." In the Middle States, in most of the Western States, and in the statutes of practically all States outside of New England, the meeting is called a "primary." The New England caucus is much like a "town meeting," and there is considerable opportunity for discussion. Outside of New England, the caucus or primary affords practically no opportunity for discussion, and is more like a regular election, with the polls open a certain length of time.<sup>1</sup> In some States the terms primary and caucus are both in common use, and in this book they will

<sup>1</sup> F. W. Dallinger, *Nominations for Elective Offices in the United States*, 12, 53.

be used as synonymous, referring to the nomination of candidates or the selection of delegates in towns, boroughs, cities, wards, and precincts.<sup>1</sup>

Delegate  
conven-  
tions  
some-  
times oc-  
cur in  
large  
cities

In large cities the chief administrative officers have usually, in the past, been nominated by *city conventions* composed of delegates chosen by the party voters at caucuses or primaries in the different wards or voting precincts. The members of the city legislature are usually elected by wards, and the candidates are nominated directly at ward caucuses or primaries, although in some instances ward conventions perform this function. In cities where aldermen or other members of the local legislative body are elected from districts nominations are made by district conventions, the delegates to which are chosen at ward or precinct caucuses or primaries. In some large cities at the present time the city and district conventions have been discontinued and the candidates formerly nominated by them are nominated either by direct primary elections or by petitions.<sup>2</sup>

The  
"call"

The "call" for a caucus or primary is issued by the city or town or ward committee, and usually covers five points: It specifies the time and place of meeting. It states the object for which the caucus is held. It

<sup>1</sup> The term primary in this connection is to be distinguished from direct primary elections, although it is not uncommon to read of primary elections when a mere caucus or primary is meant. For the sake of avoiding confusion, the unqualified term "primary" will be used as synonymous with caucus and restricted to local nominations, while the term "direct primary" or "direct primary elections," or merely "primary elections," will here be confined to a recent device for doing away with the convention system, which is to be more fully considered in a later chapter. The term caucus is also used in a different sense when applied to legislative bodies, as will appear later.

<sup>2</sup> Dallinger, 52.

designates the person who is to call the meeting to order, or the officers who are to preside or take charge of the balloting. It states the length of time during which the balloting is to continue, and it usually gives an abstract of the rules which are to govern. The call is signed by the chairman and the secretary of the committee which issues it.

In the absence of any legislation affecting them, the organization and conduct of these primaries or caucuses are governed by rules adopted by the party committee calling them, or by custom. The majority of States now have laws regulating more or less minutely the holding of caucuses and primaries. The necessity for such legislation arose from certain serious defects or evils in the unregulated caucus or primary system, which appeared most glaringly in the cities.

Caucus or primary proceedings governed by party rules or by statutes

In fact, it has been from the cities that the chief complaints against the caucus or primary have come rather than from the rural districts. This is due to four main causes. In the rural districts the voters are usually acquainted with one another, and so "repeating" is practically impossible. There, too, the foreign voters are much less numerous. The disorder incident to an overcrowded place of meeting is usually avoided. The town government has little to bestow in the way of lucrative public offices; whereas in the cities the spoils of office are most abundant, furnishing the chief motive for resort to fraud, corruption, or violence in the primaries.<sup>1</sup>

The following may be noted as the principal evils of the unregulated caucus or primary:

Evils

<sup>1</sup> Dallinger, 96.

1. The  
predomi-  
nance of  
foreign-  
ers

(1) In the cities it often happens that a large foreign element, excitable, turbulent, and easily marshalled for the support of corrupt politicians and frequently used by them as "floaters" or "repeaters," is present at the primaries. Respectable native citizens dislike to mingle with, be jostled and perhaps intimidated by, such an element, and therefore stay at home. Where such foreigners are naturalized citizens and entitled to vote in the primary which they attend, they cannot be eliminated by legislation. Laws properly enforced have, however, done much to prevent their illegal voting and "repeating," and to suppress violence and intimidation.

2. The  
places se-  
lected for  
primaries

(2) Primaries or caucuses have often been held in places difficult of access and inadequate to accommodate all the voters who desired to participate. Such places would be selected in the interest of some ring. The supporters of the ring would come early, fill up the place, remain until the time for voting had expired, and by their noisy demonstrations, insulting language, or threats of violence render it difficult or extremely distasteful for the respectable voters to get inside and defeat the programme of the managers. Legislation has done little to change this practice.<sup>1</sup>

3. "Snap"  
primaries

(3) "Snap" caucuses or primaries have been frequent. These occur when a primary is called upon too short notice to the party voters. Such notice is usually accompanied by a failure to advertise suffi-

<sup>1</sup> The character of the old primaries, twenty-five years ago, is indicated by the fact reported by Mr. Roosevelt that "of the 1,007 primaries and conventions of all parties held in New York City preparatory to the election of 1884, 633 took place in liquor saloons." See *Century Magazine*, XXXIII, 79 (1886).

ciently the time and place. The result is that very few voters attend other than the initiated; and the ring is thus enabled to arrange everything its own way. Statutes in practically every State now provide for the publication of the notice of the time and place of holding caucuses and primaries a certain number of days in advance.

(4) Not infrequently actual violence is resorted to by one side to prevent the other from casting its full vote, and the caucus or primary ends in a fight more or less general. Every State now has laws designed to remedy this evil, usually by means of proper police protection.

4. Violence  
at pri-  
maries

(5) The "packing" of caucuses and primaries has been a very common evil. A large band of hired supporters, or "heelers," many of whom may not be entitled to participate, is brought to the primary in the interest of some candidate or group of candidates. The following will serve to illustrate how this practice has been used to defeat the will of the majority of voters. Suppose that the congressman representing a certain district is a candidate for renomination. His record at Washington has been satisfactory to the voters of his party and it is the evident desire of a large majority that he should be re-elected. As there appears no opposition to his renomination, many voters do not attend the primaries, and the result is that some other man, who has been secretly at work among his friends, "packs" the primaries with his followers and secures a majority of the delegates to the congressional district convention. Thus the party has foisted upon it a candidate whom it does not

5.  
"Packed"  
primaries

want and whom the majority may never have heard of.<sup>1</sup>

Sometimes caucuses are packed by voters of the opposing party, who thus help to nominate the candidates of their rivals, and naturally they are not eager that the best men should be nominated. In the same city it has happened that Democrats have practically dictated Republican nominations and Republicans have controlled Democratic caucuses.<sup>2</sup>

Packed caucuses and primaries have in some degree been remedied in certain States by statutes, in others by party rules voluntarily adopted by the party, requiring the names of all persons to be voted for at the caucus or primary to be submitted to the committee in charge a certain number of days before the caucus or primary is held. In this way sudden surprises at least can be prevented.<sup>3</sup> Both statutes and party rules have in recent years endeavored to establish some definite and efficient test of party allegiance to prevent members of one party packing the caucuses of the other party. Considerable progress has been made in checking this evil; nevertheless it recurs in large places to a regrettable degree.

**6. Bribery** (6) Bribery of voters at primaries was a flagrant evil for many years when the statutes which punished bribery at elections did not apply to the same offence at primaries. Every State has now, it is believed, extended such laws to cover primaries and, as a result, bribery has been diminished although not eradicated.

<sup>1</sup> Dallinger, 125.

<sup>2</sup> A. B. Hart's *Actual Government*, 92.

<sup>3</sup> Dallinger, 126.

(7) Not long ago, in the larger cities the real work of nominating candidates and selecting delegates in the caucus or primary had largely fallen either into the hands of "parlor caucuses" or of political committees and clubs, the ordinary voter being restricted to a choice between candidates agreed upon at such preliminary secret conferences, or named by such organizations.<sup>1</sup> "It is great sport," said a practical New York politician, "to see the people go to the polls and vote like cattle for the ticket we prepare."<sup>2</sup> Wherever such conditions prevail, the caucus or primary may be regarded as a potent factor in building up the power of the political boss, whose strength depends very largely upon his ability in controlling or "fixing" primaries.<sup>3</sup> This was especially true of New York City primaries a few years ago.

7. "Ring rule"

(8) The non-attendance of the best class of voters has been and still is a most serious evil connected with the caucus or primary. It has been estimated that until recently the proportion of voters who took part in primaries varied from one to ten per cent. The principal cause assigned for this abstention is the indifference of the majority of citizens. They are too much engrossed in their business or domestic affairs or their pleasures, especially in the cities. Other causes are to be found in the unfortunate conditions surrounding the primary which have been described above. Of late there has been a noteworthy increase of interest in the primaries on the part of this class of

8. Apathy of "good" citizens

<sup>1</sup> Dallinger, 12.

<sup>2</sup> Quoted by David Dudley Field in *The Forum*, XIV, 192 (1892).

<sup>3</sup> *The Nation*, XXXIII, 486 (1881).



citizens, and a larger participation by them in the work of selecting candidates.

Importance of participating in primaries

This is a most wholesome and encouraging sign, for "caucuses and primaries constitute the corner-stone of our nominating system." Their importance cannot be over-estimated. If the voters who attend them choose unfit men to serve as delegates in nominating conventions, the nominees of these conventions are likely to prove unworthy standard-bearers of the party, and, as a result, the government will be badly conducted. "The power which the primaries thus wield," says a foreign student of American political institutions, "either directly or indirectly, over the selection of candidates, runs through the whole line. The primaries determine the character and the acts of all the conventions which succeed one another, from the county or city convention up to the national convention, for all these conventions emanate from the primary as from a source."<sup>1</sup>

There is, therefore, no subject connected with practical politics of greater importance than the reform of nominating methods beginning with the caucus or primary. Legislation has accomplished much, but statutory regulation has its limitations. The law can prevent snap caucuses and conventions by requiring proper notice to be given of all such party meetings; it can secure fair and honest conduct of caucuses and primary elections; in short, it can bring it about that the persons nominated by party caucuses and conventions shall be the real choice of the party voters present at the primary meetings. But it cannot prevent

<sup>1</sup> Ostrogorski, II, 223.

the voters who are present and vote from nominating unfit candidates for office. "The law can do much, but it can neither compel the so-called 'respectable' voters to attend the caucus of their party; nor can it elevate the moral sense of those who do attend. The only method of accomplishing either of these most desirable ends is by educating the voting population of the country up to a true conception of the duties and responsibilities of American citizenship."<sup>1</sup>

### QUESTIONS AND TOPICS

1. Origin of the caucus, and the derivation of the word.
2. Nominating methods in the Colonial and Revolutionary periods. (See Bishop.)
3. Conduct of primaries in New York, Philadelphia, Boston, Baltimore, 1880-1895. (See Dallinger, ch. 5.)
4. The preliminary work of candidates in preparing for a caucus or primary. (See Dallinger, ch. 2.)
5. What is the method and procedure in calling and conducting a caucus or primary in your own State?
6. What are the qualifications required by law for local officers in your State? (See the State constitution and statutes.)
7. How have caucus and primary evils been remedied by party rules? (See Dallinger, ch. 8.)
8. The work of civic organizations in promoting good nominations for municipal offices in Chicago, Philadelphia, New York, and Cambridge, Mass. (See Dallinger, ch. 10; Ostrogorski, II, Pt. 5, ch. 8; *Annals*, Jones, King, Sparling, and Smith.)
9. How are nominations for municipal offices made in cities which have the commission form of government?

### BIBLIOGRAPHY

*Annals of the American Academy*, ch. XXVII, 400 (1906), Symposium on "Civic Organizations and Municipal Parties."

<sup>1</sup> Dallinger, 197.

- Beard, C. A., *American Government and Politics*, ch. 30.  
 — *Readings in American Government and Politics*, ch. 30.
- Becker, Carl, "Nominations in Colonial New York," in *Am. Hist. Rev.*, VI, 260 (1900).
- Bernheim, A. C., "Party Organizations and their Nominations to Public Office in New York City," in *Pol. Sci. Quar.*, III, 99 (1888).
- Bishop, C. F., *History of Elections in the American Colonies*, pp. 120-127, on colonial nominating methods.
- Branson, W. J., "The Philadelphia Nominating System," in *Annals*, XIV, 18 (1899).
- Bryce, James, *The American Commonwealth*, II, chs. 60-62 (4th edition).
- Campbell, H. M., "Representative Government *versus* the Initiative and Primary Nominations," in *No. Am. Rev.*, CXC, 222 (1909).
- Dallinger, F. W., *Nominations for Elective Offices in the United States* (1897). Most thorough and scholarly work on the subject down to 1897.
- Deming, H. E., "Municipal Nominating Reform," in *Annals*, XXV, 203 (1905).
- Direct Primary Nominations: Why They Should be Adopted for New York*. Pamphlet published by the Citizens' Union of New York City (1909).
- Easley, R. M., "The Sine Qua Non of Caucus Reform," in *Rev. of Rev.*, XVI, 322 (1897).
- Eaton, Dorman B., "Primary Elections," in *Lalor*, III, 343. Relates chiefly to conditions in New York before 1898.
- Fuller, R. H., *Government by the People* (1908), ch. 4. On the primary.
- Green, F. W., "Facts about the Caucus or Primary," in *No. Am. Rev.*, CXXXVII, 257 (1883). Old evils of the caucus.
- Hotchkiss, W. H., "The Movement for Better Primaries," in *Rev. of Rev.*, XVII, 583 (1898).
- Jones, C. L., *Readings on Parties and Elections* (1912), p. 321, ff. On Chicago Municipal Voters' League.
- King, Hoyt, "The Reform Movement in Chicago," in *Annals*, XXV, 235 (1905).
- Meyer, C. E., *Nominating Systems* (1902), Pt. 1, ch. 3. On the corrupt caucus.

- Munro, W. B., *Government of American Cities* (1912), ch. 6.
- National Conference on Primary Election Reform, *Proceedings of New York Meeting, 1898* (Chicago, 1898.)
- Nearing and Trowbridge, "Political Organizations and Primary Legislation in Pennsylvania," in the National Municipal League *Proceedings* (1905).
- Ostrogorski, M., *Democracy and the Organization of Political Parties*, II, Pt. 5, ch. 1.
- *Democracy and the Party System*, ch. 6.
- Party Rules, usually obtainable from the chairman or secretary of a party committee.
- Pavey, F. D., "State Control of Political Parties," in *The Forum*, XXV, 99 (1898).
- Remsen, Daniel S., *Primary Elections*.
- Ruppenthal, J. C., "Election Reform: The Trend toward Democracy," in *Annals*, XXVIII, 411 (1906). Mainly a discussion of State legislation.
- Smith, E. B., "The Municipal Voters' League of Chicago," in *Atlantic Monthly*, LXXXV, 834 (1900).
- Sparling, S. E., "The Chicago Voters' League," in *The Outlook*, LXXI, 495 (1902).
- State Statutes.
- Verplanck, J. D. L., "A Problem of Primaries," in *Annals*, XXVIII, 442 (1906).
- Whitridge, F. W., "Caucus System," in *Lalor*, I, 357.

## CHAPTER V

### NOMINATIONS FOR COUNTY AND STATE OFFICES. THE CONVENTION SYSTEM. ITS EVILS AND THE REMEDIES PROPOSED

Delegate convention prevailing method for nominating county and State officers until recently

Until recently, it has been an almost universal practice for candidates for the various elective *county offices* to be nominated by *county conventions* composed of delegates from the various towns and cities in the county. The call for these conventions is issued by the county committee, sometimes called the county central committee. The number of delegates to which each city or town is entitled is stated in the call.

A large proportion of the *State offices* are filled by appointment. The appointing power is almost always vested in elective officials who are nominated, in the majority of States, by the *State convention* of the party. This convention is composed of delegates chosen by the party voters either directly at the primaries in the cities and towns, or indirectly by county or district conventions. Judges of the State courts, however, are often chosen by conventions of delegates in the different judicial districts into which the State may be divided.

Candidates for the *State senate* have generally been nominated by *senatorial district conventions*, composed of delegates chosen at caucuses or primaries of

the party voters of the cities and towns forming the senatorial district. In States where each county is represented in the senate, the candidates have generally been nominated by the county conventions.

Candidates for the State *house of representatives*, or lower branch of the State legislature, have generally been nominated by *district conventions*, composed of delegates chosen at the caucuses or primaries of the party voters of the cities or towns forming the representative or assembly district. In the few States where each town sends a representative to the legislature, the candidates for the lower house are nominated in the town caucus or primary.

The number of delegates sent to these different conventions does not remain fixed. It is generally determined by the city, town, county, district, or State committees according to the number of votes polled by the candidates of the party at some recently preceding election. Usually the State conventions are large bodies, having, in the case of New York and Massachusetts and perhaps other States, over a thousand delegates.

The "convention system," as nomination by conventions is called, has been the prevailing method since 1840, and is a distinctive feature of the American party system. "Of no other political phenomenon has the influence on the government and on the character of public men been so powerful."<sup>1</sup> Prior to 1840 State, district, and county officials had been nominated in a variety of ways, the most important of which was the method of nomination by "legis-

The "con-  
vention  
system"

<sup>1</sup> E. L. Godkin, *Unforeseen Tendencies of Democracy*, 59.

lative caucus." This was a caucus of the party members of the State legislature, sometimes reinforced by the admission of unofficial members of the party to represent districts having no member of the legislature belonging to that party. As the means of travel and communication improved and with the spread of Jacksonian democracy, the legislative caucus fell into ill-repute and was succeeded by the convention system. This, at the time, was looked upon as a great improvement over earlier methods, since it seemed to give to the rank and file complete control over party nominations.

**In theory,  
conven-  
tion sys-  
tem nearly  
ideal**

In theory it must be granted that the convention system is wellnigh perfect, for it admits of the purest application of the principle of representative or delegated authority. Theoretically, the voice of each voter can be transmitted from delegate to delegate, until finally it finds perfect expression in the legislature, the executive, or the judiciary. The nearest approach to such ideal conditions was reached by the convention system during its early days. When so conducted as to command the confidence and respect of the voters, it was the foundation of party success. It furnished an excellent opportunity for the perfection of party organization. It furnished an opportunity for estimating a party's strength, since the conventions were composed of men from every locality and from every part of the State who were familiar with party conditions in their home communities. It afforded an opportunity for judging of a candidate's popularity, for arousing party enthusiasm, for conciliating factions, for formulating the party platform.

For conventions were, in theory, deliberative bodies, thoroughly representative of every locality, faction, class, and interest comprised in the party. For these reasons, its defenders still regard the convention system as a most valuable instrument in the hands of the party.<sup>1</sup>

It was not long before the convention system, however admirable in theory, became, like the electoral college, quite transformed in practice. At the present time it is made the object of most serious assault by political reformers, and in many States it has either been abolished by statute or greatly restricted in operation. This is partly due to the fact that some of the evils which characterized the unregulated caucus or primary have also appeared in connection with the nominating convention. In addition to these, the nominating convention has developed evils or defects which are peculiar to itself. Among the most important and serious *weaknesses of the convention system*, the following may be mentioned:

*In practice serious defects have developed*

(1) The convention system rarely attracts as delegates men who represent the best type of citizenship; on the contrary, the controlling majority is usually made up of adherents of some political machine. The following description of the personnel of a Cook County convention, held in Chicago in 1896, may not be true of conventions generally, but it serves to illustrate the possibilities of the convention system with respect to the character of the delegates. Conventions of the character described below can hardly be expected to make the best nominations for public office.

*1. These defects appear in the character of delegates*

<sup>1</sup> C. E. Meyer, *Nominating Systems*, 48-54.



"Of the delegates, those who had been on trial for murder numbered 17; sentenced to the penitentiary for murder or manslaughter and served sentence, 7; served terms in the penitentiary for burglary, 36; served terms in the penitentiary for picking pockets, 2; served terms in the penitentiary for arson, 1; ex-Bridewell and jailbirds, identified by detectives, 84; keepers of gambling-houses, 7; keepers of houses of ill-fame, 2; convicted of mayhem, 3; ex-prize-fighters, 11; pool-room proprietors, 2; saloon-keepers, 265; lawyers, 14; physicians, 3; grain dealers, 2; political employees, 148; hatter, 1; stationer, 1; contractors, 4; grocer, 1; sign-painter, 1; plumbers, 4; butcher, 1; druggist, 1; furniture supplies, 1; commission merchants, 2; ex-policemen, 15; dentist, 1; speculators, 2; justices of the peace, 3; ex-constable, 1; farmers, 6; undertakers, 3; no occupation, 71; total delegates, 723." <sup>1</sup>

2. Interim  
between  
election  
and con-  
vention

(2) The considerable period of time which usually elapses between the choosing of the delegates to a convention and the convening of the convention affords abundant opportunities for the bribery of delegates or the bringing to bear of other corrupt influences. This is especially likely to occur in exciting contests where the race between rival candidates for a nomination is close and the change of a few votes will determine the result.

3. The use  
of "prox-  
ies"

(3) Delegates are sometimes elected who have no intention of attending the convention for which they have been chosen. They transfer their credentials, often for a valuable consideration, to unscrupulous

<sup>1</sup> *Rev. of Rev.*, XVI, 322 (1897).

politicians who serve as their substitutes or "proxies." The use of proxies is now forbidden by statute or by party rules in some States. The practice of selecting an equal number of alternates at the same time the delegates are chosen, to serve in their places if the delegates are unable to attend the convention, has extensively, though not wholly, displaced the proxy system.

(4) It is a not uncommon occurrence for "contesting delegations" to be organized by a faction defeated at the primaries, for the purpose of appearing at the convention and contesting the admission of regularly elected delegations. Such contested cases are always referred to the committee on credentials usually appointed by the temporary chairman of the convention. If the chairman is in league with the defeated faction, he appoints to the committee on credentials men favorably disposed to the admission of the contestants. In this way the will of the majority as reflected in the results of the primary has more than once been overridden in the conventions dominated by some political machine. At other times the dispute is compromised by admitting both delegations but allowing to each delegate only half a vote.

4. "Contesting" delegations

(5) Convention proceedings not infrequently are marred by violence, disorder, fraudulent manipulation of votes, and unfair rulings by chairmen. Convention chairmen can be found who never see a member of the opposing faction rise to speak. "Though a hundred men yell 'No,' the chairman can hear only 'Yes.' Though a dozen written resolutions may be started toward the chairman's desk, they are lost on

5. Disorderly or fraudulent proceedings

the way. Finally, in the midst of an uproar in which it is impossible to hear how the delegates vote, amidst hisses and catcalls and cheers the nominations are declared to be made."

**6. Com-  
plexness  
of system**

(6) The convention system, by reason of its complexity, only partially gives expression to the wishes of the individual voter. He has very little opportunity to express his opinion directly or indirectly in regard to the different candidates for the various offices. In New York State, for instance, until the passing of the direct primary law in 1911, the party voters in an election district met in a caucus or primary several months before the election and selected candidates for local offices, a set of delegates to the county convention, another set to the assembly district convention, a third set to the senatorial district convention, and a fourth set to the congressional district convention. The delegates to the county convention met a little later and selected the party candidates for county offices and a set of delegates to the State convention. Similarly, the delegates to the other conventions met and selected candidates for the Legislature and for Congress. Finally, the State convention met and selected the party candidates for the State offices. The voter at the primary could not have the remotest idea as to what candidates for State offices his vote would be instrumental in securing. In the caucus or primary he was acting in the dark. Practically he had either to follow the direction of his party leaders or do nothing. The result was that the average voter did nothing.<sup>1</sup>

<sup>1</sup> *The Outlook*, XCI, 370 (1909).

(7) The nominating convention has become, in the majority of cases, simply a cut-and-dried affair to ratify the agreement reached beforehand by the party leaders respecting the distribution of nominations. This brings out perhaps the most conspicuous evil connected with the convention system, namely, boss or machine control of conventions.

7. "Boss" or "machine" control

"In theory party candidates are selected by those who have been chosen by the party voters to represent them in conventions. In practice, the delegates to nominating conventions are generally mere pieces on the political chess-board, and most of them might as well be inanimate so far as effective participation in the choice of candidates is concerned. Party candidates are in effect generally appointed by those who have not been invested with any such appointing power."<sup>1</sup> As in the caucus or primary, nominations are really made by a little group of party bosses who meet in secret and make up a "slate" or ticket, usually with a view to the preservation of their control of the party machinery, and rarely with an eye single to the best interest of the people of the State. Conventions have thus become "the market-places of politics." Here the "trades" are made between the bosses that force inefficient men into public offices to pay political debts.

Four important consequences of boss or machine control have been pointed out by Governor Hughes, of New York. "It has a disastrous result upon party leadership. The power of nominating candi-

Consequences of machine control

<sup>1</sup> Governor Hughes, of New York, quoted in *The Outlook*, XCI, 91 (1909).

dates, which has come to rest largely upon party leaders, is so important that it offers a constant temptation to the manipulation of party machinery for its preservation in the hands of individuals. It tends to discourage party voters from participating in the affairs of the party. The average voter is an infrequent attendant at party caucuses and primaries. The present indirect system of nominating candidates has convinced the average citizen of the futility of any contest in the primaries, and only a small percentage of the enrolled voters go through the motions of voting for delegates already selected for them by the leaders. The primary vote for delegates to conventions is largely cast by those who make more or less of a profession of politics. . . . Candidates too often regard themselves as primarily accountable not to their constituents, nor even in the broad sense to their party, but to those individual leaders to whom they realize they owe their offices, and upon the continuance of whose favor they feel that their political future depends. To the extent that party machinery can be dominated by the few, the opportunity for special interests which desire to control the administration of the government, to shape the laws, to prevent the passage of laws, or to break the laws with impunity, is increased. These interests are ever at work, stealthily and persistently endeavoring to pervert the government to the service of their own ends. All that is worst in our public life finds its readiest means of access to power through the control of the nominating machinery of parties.”<sup>1</sup>

<sup>1</sup> *Ibid.*; also *Direct Primary Nominations: Why They Should Be Adopted for New York* (pamphlet), 10.

To remedy the evils or defects of the convention system, a variety of suggestions have been made and a number of experiments have been tried. They fall into two main classes: changes that would retain the convention system, but would so reform it as to do away with its most glaring evils; and changes that aim to bring about the abolition of the convention system in whole or in part, and to place the right to make nominations directly in the hands of the people.

Remedies:  
(1) Reformation  
of convention system

Some of the evils of the convention system have been diminished or eliminated by the adoption of a few simple and intelligent *party rules* providing for some form of registration or enrolment of the party voters; for giving sufficient notice of the time and place of caucuses or primaries for the choice of delegates; for the orderly procedure of primaries and conventions; for the fair and impartial settlement of disputes arising within the party; for the prohibition of the use of proxies; and providing that all appointive Federal, State, county, and municipal officeholders shall be ineligible to serve as delegates in any convention.<sup>1</sup> For such party rules to effect any real reform, it is necessary to have honest and energetic men in control of the committees charged with the enforcement of those rules. In many places, where the great mass of voters are ignorant or where the machine has secured a grip upon the party organization, it has been impossible to obtain such rules, or else they have proved wholly ineffective.<sup>2</sup>

It is through legislation, therefore, that the most serious evils of both the caucus and the convention system have been attacked, and when not eradicated have

<sup>1</sup> Dallinger, ch. 8.

<sup>2</sup> *Ibid.*, 172, 199.

at least been checked. Some of this legislation has been briefly indicated in the preceding chapter; for whatever reforms affect the caucus or primary are bound to react on the convention system. Likewise, any adequate reform of the evils of the convention system must take the primaries into account, for the two institutions are vitally related.

Among other suggestions coming from those who seek to reform rather than to abandon the delegate convention are the following: It has been suggested that after the delegates from the lowest political units have been elected in fair, well-guarded primaries, each town, city, or county delegation to the convention shall elect a chairman or foreman. This chairman, acting for his delegation, shall hand in to the convention all the nominations desired by a plurality of his delegation, and the nominations thus filed by the different delegations the convention shall post on a large bulletin board and then proceed to vote on such names, and no others, by secret ballot, under the supervision of officials named by public-election commissioners.<sup>1</sup> Another suggestion has been made, to the effect that after securing properly guarded primaries all nominations in conventions should be by printed ballots, each ballot bearing the name of the delegate voting it, and to be given official record. This would make the delegate, it is claimed, directly responsible to his constituents and to the public. Neither of these suggestions, however, has yet secured any considerable body of supporters.<sup>2</sup>

Two important reform movements go much further

<sup>1</sup> Woodburn, 291.

<sup>2</sup> *Ibid.*

in combating the evils of the convention system than any thus far considered, namely, nomination by petition or by "nomination papers," and nomination by direct primary elections. Both of these movements look upon the nominating convention as so inherently bad that it cannot be reformed, therefore it should be abolished.

(2) Destruction of convention system by petitions or direct primary

*Nomination by petition*, or by filing nomination papers, as has already been explained,<sup>1</sup> came into use to a very limited extent in connection with the introduction and general adoption of the Australian ballot. It is now proposed to abolish not only the nominating convention, but also nominations by primaries and caucuses, and to substitute the single method of nomination by petitions signed by a specified number of voters, and to apply this system to all State and local nominations. It is contended that the legal recognition of the political party involved in our present systems tends to perpetuate the very evils which such recognition was intended to cure. Applied solely to local elections, the petition method of nomination has made considerable progress within the past few years. It seems well adapted to the needs of municipalities, for it reduces partisanship to a minimum; indeed, it practically eliminates national politics from local elections. Thus far there has been no wide demand for the extended application of the system. Nevertheless its supporters and defenders are becoming more numerous and influential, and the future is likely to see its wider application.<sup>2</sup>

<sup>1</sup> See chapter iv.

<sup>2</sup> C. E. Merriam, *Primary Elections*, 85, 135.



The movement for *direct primary elections* does not go so far in its antagonism to the convention system. True, it seeks to abolish the nominating convention entirely; but where this cannot be accomplished at once it is content to bring about a partial or gradual abolition. Many States, for example, have dispensed with the nominating convention for the nomination of candidates for local and county offices and for members of the State legislature, at the same time retaining the State convention for nominations for the highest elective State offices. Again, the direct primary election movement differs from the system of nomination by petition in that it retains the primary system and makes that the all-important factor in the nominating process. The movement for direct primary elections will be more fully discussed in the following chapter.

### QUESTIONS AND TOPICS

1. Trace the early development of nominating conventions in Massachusetts and Pennsylvania.
2. Discuss the early political uses of the word "convention."
3. What is the law in your State regarding the time of holding city, county, and State conventions, and the time within which certificates of nomination must be filed?
4. How may vacancies occurring in a party ticket before the election be filled in your State?
5. What qualifications are prescribed by the constitution or laws of your State for county and State officers?
6. Describe the preliminaries and procedure of a county, or legislative district, convention. (See Dallinger, ch. 2.)
7. Describe the preparations for and procedure of a State convention. (See Dallinger, ch. 3, and Jones's *Readings*.)
8. Discuss the operation of the laws of those States which permit nominations by petition for municipal offices.

9. European methods of making nominations. (See Lowell's *The Government of England* and *Government and Parties in Continental Europe*.)

10. Make a list of the State and county officials in your State who are elected by popular vote.

11. How are the delegates to the county, district, and State conventions in your own State chosen in theory and in actual practice?

## BIBLIOGRAPHY

Ashley, R. L., *The American Federal State* (1902), ch. 23.

Beard, C. A., *American Government and Politics* and *Readings*, etc., chs. 7, 30.

Benton, Thomas H., *Thirty Years' View*, 2 vols. (1857). On the beginnings of the convention system.

Binkerd, R. S., "The Doom of the Old Machine Convention," in *Rev. of Rev.*, XLI, 597 (1910).

Bryce, James, *The American Commonwealth*, II, chs. 61-62 (4th edition).

Dallinger, F. W., *Nominations for Elective Offices in the United States*.

*Direct Primary Nominations: Why They Should Be Adopted for New York*. Pamphlet, published by the Citizens' Union, 1909.

Easley, R. M., "The Sine Qua Non of Caucus Reform," in *Rev. of Rev.*, XVI, 322 (1897).

Ford, H. J., *Rise and Growth of American Politics* (1898), ch. 16, "The Convention System."

Fuller, R. H., *Government by the People* (1908), ch. 5, on Nominations.

Hoar, R. S., "Proposing State Legislation," in *Intercollegiate Civic League Report*, April, 1910. Describes packed conventions in Massachusetts.

Jones, C. L., *Readings on Parties and Elections*, 57 ff. Quoting Mr. La Follette, on corrupt conventions.

Luetscher, G. D., *Early Political Machinery in the United States* (1903), chs. 3-4.

Meyer, C. E., *Nominating Systems* (1902), Pt. 1, ch. 5, on the corrupt convention.

Ostrogorski, M., *Democracy and the Organization of Political Parties*, II, Pt. 2, ch. 5.

Ostrogorski, M., *Democracy and the Party System*, ch. 7.

— "Rise and Fall of the Nominating Caucus, Legislative and Congressional," in *Am. Hist. Rev.*, V, 253 (1899-1900).

*Outlook, The*, XCI, 91 (1909), "Governor Hughes on Party Nominations."

— XCVI, 334 (1910), "Tammany's Opportunity." On New York Democratic convention, 1910.

Roosevelt, Theodore, "A Fight for Clean Government and Popular Rule," in *The Outlook*, XCVI, 342 (1910). On New York Democratic convention, 1910.

Stanwood, Edward, *A History of the Presidency* (1898).

Walton, J. S., "Nominating Conventions in Pennsylvania," in *Am. Hist. Rev.*, II, 262 (1897).

## CHAPTER VI

### NOMINATIONS BY DIRECT PRIMARY ELECTION

Where the system of nomination by direct primary election is operative candidates who have hitherto been named by the party voters *indirectly* through delegate conventions are now nominated *directly* at the primaries. Hence the name *direct* primary. The direct primary, however, is something more than an ordinary caucus or primary. It is usually conducted by the regular election officials, at the place where the regular elections are held, and is accompanied by all the formalities and safeguards which surround a regular election. Hence the expression, direct primary election.

The operation of the direct primary election method is in brief as follows: A person who desires to become the candidate of his party for an office is required to secure a certain number of signatures to a petition, the number increasing with the importance of the office sought. This petition is filed with the proper official a certain number of days before the date of the primary election, and it entitles the person named therein to have his name printed on the official ballot to be used at the primary election. On the day of the primary election, the voter goes to the polling-place and receives an official ballot of his party and then passes in review the several aspirants for nomination whose

Procedure  
under di-  
rect pri-  
mary  
method

names appear on the ballot. The voter indicates on the ballot those persons whom he wishes to stand as the candidates of his party. In case he is not suited with those whose names are printed on the ballot, he may be allowed to write in the name of some other person whom he prefers for a given office. The ballots are finally counted as in an ordinary election, and those persons receiving the highest vote of their respective parties are officially declared to be the party's nominees, and their names appear on the official ballot used at the regular election which follows.

"Closed"  
and  
"open"  
primaries

There are two kinds of direct primaries, the "closed" primary and the "open" primary. In closed primaries participation is limited by law to the members of the party who have been previously enrolled or who have complied with some sort of test of party allegiance. In the open primary a voter may vote for the candidates for nomination of any party, and no attempt is made to prevent Democrats from taking a hand in Republican nominations and *vice versa*. The best example of the open primary is to be found in the State of Wisconsin. Each voter in the Wisconsin primary is given ballots of all the parties printed on separate sheets, but fastened together and folded. He marks the ballot of the party with which he wishes to participate, and deposits it in the regular ballot-box, at the same time placing the unused ballots in "the blank ballot-box."

In favor of the Wisconsin plan, it is urged that "it protects the secrecy of the ballot; that it makes intimidation or undue influence impossible; that the requirement of the party test is both unnecessary and

useless; and that the test of allegiance excludes only the honest citizens, while admitting the dishonest and corrupt."

Strong objection to the Wisconsin system has been made on the ground that, "without some sort of party test; the responsibility of the party for the character of the nominations and the platform is entirely broken down. Members of the Republican party may assist in the nomination of weak Democrats, or *vice versa*, and unscrupulous leaders may readily transfer blocks of voters without regard to party lines. When a corrupt machine is threatened by the nomination of an aggressive reformer, it is possible to avert this menace by the use of available members of the other machine. In these ways, it is held, the responsibility of the party may be completely destroyed, or at any rate seriously crippled, and reform movements may be made more difficult."<sup>1</sup>

The extent to which the direct primary has been applied varies greatly in different States. (1) In some States only the selection of delegates to nominating conventions by direct primary is required, it being left optional with political parties to use the direct primary for the nomination of candidates for office. (2) Another group of States requires (or makes optional) the use of the direct primary in nominations for local offices, and requires the direct primary for the nomination of county officers, members of the State legislature, judges of the inferior courts, and representatives in Congress; retaining, however, the convention for the nomination of the most important

Offices to which direct primary is applied

<sup>1</sup> Merriam, 148.

State officers, such as governor, secretary of state, and judges of the highest courts. (3) In its most extended application, the direct primary system is made to cover nominations for local and county offices, all State offices, representatives, and frequently senators, in Congress. This is called a "State-wide" direct primary, and now exists in about thirty States. (4) One State, Iowa, applies the direct primary election method to the nomination of Federal officers, State and local officers except judges of the State courts, but supplements the primary by the action of a delegate convention in case candidates for certain offices do not receive thirty-five per cent of the total party vote.

Provi-  
sions  
commonly  
found in  
direct pri-  
mary laws

With a few exceptions, the direct primary systems in operation in the different States, although differing greatly in details, have the following points in common:

(1) The primaries of the different parties are held on the same day, and at the same place.

(2) Some form of the Australian secret ballot is used.

(3) Usually the ballots are of uniform size, shape, and color, and are printed at public expense.

(4) All names printed on the official ballot appear there as the result of filing nomination petitions a certain number of days before the day of the primary election, and are usually printed in alphabetical order.

(5) The regular election officials preside and are paid out of the public funds.

(6) The polls are open a specified number of hours, as at a regular election.

(7) Nominations are generally made by plurality vote, although in some States a certain percentage of the total party vote is required. In one or two States the voters indicate their first and second choices on the ballot, and a majority vote is required for nomination.

(8) The statutes against corrupt practices at elections are extended to cover these primary elections.

(9) The more recent laws generally provide for the choice of party officers—that is, the members of the different party committees—at the time when other nominations are made, and on the same ballot. In New York, Governor Hughes strenuously urged the adoption of this feature, with the added provision that the party committees so chosen should be allowed to present a party ticket for approval or rejection by the party voters at each primary election. The aspirants named by the party committees should be announced some time prior to the primary elections. If, for any reason, any or all of the names thus suggested are not satisfactory to the party voters, others may be added to the ballot by the usual petition. At the primary election which follows the voters would have an opportunity to indicate their approval or disapproval of the candidates put forward by the party officials. Four advantages are claimed for this proposed innovation. First, the party organization would be preserved intact, while, at the same time, the party voters would have the opportunity, now ordinarily lacking, to repudiate as well as to ratify the selections made by the party leaders. Thus, it is believed, the leaders could be made to feel a greater sense of responsibility to the voters at large. Sec-

Hughes's  
plan for  
nominations by  
party committees



ondly, in States where party organizations are strong and well disciplined it is probable that the organization would have its own candidates for nomination under any system that might be devised, and it is urged that it would be better that the organization should show its hand than that it should act in an irresponsible or secret manner. In the third place, by this method, the support of, and, in equal degree, opposition to, the party committee's candidates could be concentrated; thus insuring fewer nominations, avoiding the necessity of requiring a large number of signatures to petitions, and incidentally effecting a corresponding economy. Finally, fusion on judicial and other officers would, it is claimed, be easier to initiate.<sup>1</sup>

Test of  
party al-  
legiance

(10) Most direct primary election systems attempt to prescribe some test of party membership in order to prevent the members of one party interfering with the nominations of an opposing party. This problem of the party test is one of the most serious questions which have arisen in connection with the direct primary system of nominations, and no general or wholly satisfactory solution has yet been reached. "It is difficult to prescribe conditions of party allegiance without at once preventing that independence in voting which is the hope of decent politics."

The experiments along this line may be grouped into three classes:<sup>2</sup>

Where personal registration is a prerequisite to voting, the voter on registering is given an opportu-

<sup>1</sup> *Direct Primary Nominations . . . for New York*, 42.

<sup>2</sup> Beard, 687 ff.

nity (which he is usually permitted to decline) of declaring his party affiliation. From the record of such declarations a list of party voters is made up, and this serves as the voting list for the ensuing primary election. Such a system existed until 1911 in New York. The voter was there required to fill out a blank stating the party with which he intended to participate. At the same time he subscribed to the following declaration: "I am in general sympathy with the principles of the party which I have designated by mark hereunder; it is my intention to support generally at the next general election, State or national, the nominees of such party for State and national offices; and I have not enrolled with or participated in any primary election, or convention, of any other party since the first day of last year."<sup>1</sup>

In other States, the voter at the direct primary election asks for and receives the ballot of the party in whose nominations he wishes to take part. If challenged, he takes an oath to the effect that he is a member of that party, that he supported it at the last election, or intends to vote for at least a majority of that party's candidates at the coming election. Frequently an official party list is made up from such requests and declarations under oath.

A third method, prevailing in the Southern States, is one by which the imposition of any test of party allegiance is left to the respective party officials operating under organization rules.

The movement to substitute the direct primary for the delegate convention has spread rapidly in the last

<sup>1</sup> *Ibid.*

decade, until at the present time over one-half of the States, containing more than one-half of the population of the country, employ the direct primary method in nominating practically all elective officers, while fully two-thirds of the States now have the direct primary system in some more restricted form.<sup>1</sup>

"The master force which impels the direct primary movement," as one of its opponents<sup>2</sup> truly says, "is the desire for popular control of government." It commends itself to the masses as a means of giving power to the people. If the people are wise enough to elect their officers, are they not wise enough to *nominate* them? The most optimistic believed that the new institution would be a panacea for all our political ills; that it would, like a magnet, draw every recalcitrant voter to the polls, where he would promptly put the rascals to flight and inaugurate an era of political purity. The specific *advantages* claimed for the direct primary may be enumerated as follows:

**Advantages of  
direct  
primary**

(1) Active political work on the part of the rank and file of the party is encouraged because the direct primary makes it easier for the ordinary voter to exert an influence on the choice of the committeemen and candidates.

(2) It brings out a larger vote to the primaries. From twenty-five to seventy-five per cent of the party voters quite regularly come out to the direct primary,

<sup>1</sup> Merriam, 89. Only Vermont, Rhode Island, Connecticut, Delaware, and West Virginia are without the direct primary in some form. State officers are directly nominated in thirty-six States, congressmen in thirty-nine States, and United States senators in thirty-four States. E. Woollen, in *Atlantic Monthly*, CX, 41 (1912).

<sup>2</sup> H. J. Ford, in *No. Am. Rev.*, CX, 1 (1909).

and when an especially sharp contest is on from fifty-five to eighty-five per cent come out.<sup>1</sup>

(3) The direct primary is simpler than the convention system. Under the latter there is a primary followed by the various conventions. Under the direct system, one day's primary election usually settles everything, and the whole cumbrous and expensive machinery of the delegate convention is abolished.

(4) Where the party committeemen are chosen directly by the voters, the system "promotes true party leadership by making it less susceptible to misuse, and more in accord with general party sentiment."

(5) It is claimed that the direct primary "secures the nomination of better men by making their nomination depend upon the presentation of their claims to the voters, instead of upon secret manipulations." A more conservative statement would be that the direct primary is an institution for bringing out a conspicuously fit person, or for attacking a conspicuously unfit one or one whose alliances are conspicuously unfit.

(6) The direct primary takes away from the politicians much of their former control over nominations, and places that control more nearly in the hands of the people. The result is to make "the elective officer more independent of those who would control his action for their own selfish advantage, and enables him to appeal more directly to his constituency upon the basis of faithful service." Thus it proves "a strong barrier against the efforts of those who seek to pervert

<sup>1</sup> *Direct Primary Nominations . . . for New York*, 15.

administration to the service of privilege, or to secure immunity for law-breaking.”<sup>1</sup>

(7) Bribery and corruption are rendered, if not more difficult, at least less potent than formerly in determining nominations.

(8) The simplification of our large and confusing ballot is a result that may ultimately be looked for. While the direct primary does not reduce the number of elective offices, it will have a constantly increasing influence to that end, because it will serve to keep before the voter the magnitude of the political burden unnecessarily loaded upon his shoulders.<sup>2</sup>

**Objections to direct primary**

Against the direct primary system a large number of *objections* have been raised. They are often advanced by the old type of machine politician and bosses who appear to believe that their power and influence will be destroyed by the new system. Irrespective, however, of the character of the objectors, the objections themselves deserve consideration. They may be briefly enumerated as follows:

(1) The character and efficiency of public officials have not been improved under the direct primary system.

(2) Corruption in politics has not been diminished. On the other hand, it is claimed that the new system “tends to promote, rather than to check, electoral corruption. A primary election is merely another election, and as elections are now conducted we have enough of them. A primary is merely another oppor-

<sup>1</sup> Governor Hughes, quoted in *The Outlook*, XCI, 91 (1909).

<sup>2</sup> C. R. Woodruff, in *The Forum*, XLII, 493 (1909).

tunity for the 'floater' and the 'grafter.' A large and corrupt use of money is encouraged."<sup>1</sup>

(3) It makes it virtually impossible for any one "excepting moneyed men or demagogues to be elected to office," because of the great expense involved in canvassing for two elections, the primary and the regular election which follows.<sup>2</sup>

(4) Since the expenses connected with the conduct of the direct primary election are borne by the public, the system involves a large increase in taxation.<sup>3</sup>

(5) The petition method of placing names on the primary ballot has created a class of mercenaries, hired for the purpose of soliciting signatures to such petitions.

(6) The direct primary tends to weaken and disorganize the party, since it renders more difficult the harmonizing of differences and jealousies and misunderstandings. It affords no security for a geographical distribution of the candidates which is calculated to strengthen the party throughout the State. As tried

<sup>1</sup> Woodburn, 289.

<sup>2</sup> In the municipal direct primary in Chicago in 1911 Mr. Merriam, one of the candidates for the Republican nomination, made a demand for the publication of campaign contributions and expenditures after audit by an expert accountant. Sworn statements were made by all except two candidates, and they showed expenditures ranging all the way from \$10,000 to \$30,000. Another case in point is that of Mr. Stephenson, who expended \$107,000 in a recent campaign for the direct primary Republican nomination for United States senator in Wisconsin. Later this campaign was made the subject of an exhaustive congressional investigation. A majority of the committee reported that evidence was lacking which would prove that even this enormous sum was corruptly expended. In Pennsylvania a candidate for representative in Congress spent over \$47,000 in a direct primary campaign.

<sup>3</sup> Beard, 698.

in some States, it facilitates Democrats nominating Republican candidates and Republicans assisting in the nomination of Democratic candidates.<sup>1</sup>

(7) No satisfactory method has been provided for the making of a party platform. In those States where the platform is drafted by the party nominees it is asserted to be a mere "catch vote" affair, and not a true embodiment of the party's principles.

(8) The new system has not dethroned the political boss or put the machine "out of business." It does not remove any of the conditions which have produced the system of machines and bosses, but intensifies their pressure by making politics still more confused, irresponsible, and costly. It parallels the long series of regular elections with a corresponding series of primary elections in every regular party organization. The more elections there are, the larger becomes the class of professional politicians to be supported by the community.<sup>2</sup>

(9) The direct primary tends to a multiplicity of candidates, with a resulting confusion of the voters. The "ring" influence can easily cause a number of respectable candidates to be brought out, and thus divide the vote of the best citizens, while the ring or machine candidate may easily obtain a larger number of votes than any of his opponents.<sup>3</sup>

(10) Direct primary elections are a blow at representative government and tend toward pure democracy.

(11) State-wide direct primaries favor populous centres as against rural communities.<sup>4</sup>

<sup>1</sup> Woodruff, *op. cit.*

<sup>2</sup> Ford, *op. cit.*

<sup>3</sup> Woodburn, 290.

<sup>4</sup> *Direct Primary Nominations . . . for New York*, 28.

In determining the weight which should be attached to these various criticisms of the direct primary system, it should be noted that many of the objections could with equal force and effect be urged against the convention system. It is believed that the new system, when fairly tried, tends to diminish rather than to increase the evils of the older methods. It is safe to say that no remedy for the evils of the convention system can be considered perfect "because human nature cannot be changed by legislation, and opportunities for political mischief will exist under any system." After all, the direct primary method must stand or fall by the *comparative* value of results achieved through its use. After a careful examination of the practical working of the direct primary system in all the different States where it has been tried, Professor Merriam, the leading authority on the subject, arrives at the following conservative and impartial conclusions:<sup>1</sup>

Comparison of direct primary with the convention system

(1) The vote cast in a direct primary election is generally greater than in a primary for the choice of delegates.

Merriam's conservative conclusions

(2) The cost of campaigning where the candidates are chosen by direct vote is greater than under the other systems, partly on account of the personal canvass which is necessitated especially where a few votes may be decisive, and also by reason of the expense involved in advertising, printing circulars, distributing literature, providing for meetings, workers, etc. Nevertheless, if this outlay results in a greater education of the voters and a greater interest on their part, the expenditure is worth while.

<sup>1</sup> *Primary Elections*, 117 ff.



(3) The apprehension that there would be an avalanche of candidates has not been confirmed by the facts. Rarely are there more than three candidates for the same nomination, and the average is two or three. There are more avowed, and fewer unavowed, candidates than under the old method.

(4) Great differences of opinion exist whether there is a better class of candidates under this new system. The direct primary seems to possess the great advantage of offering an *opportunity* at least to defeat a conspicuously unfit candidate and for the choice of one conspicuously well-fitted.

(5) The direct primary election has not done away with the possibility of a list of candidates for nomination being framed beforehand by the party leaders. There is a tendency to hold informal preliminary caucuses of the leaders, but the "slates" are more easily broken under the direct primary than under the old system. Moreover, the new system provides for responsible slate-makers.

(6) It is unquestionably true that the press becomes a much more important factor in the direct primary system than under the delegate plan. Since the candidate cannot meet personally all of his constituents, the attitude taken by the great organs of publicity may seriously affect his prospects.

(7) There is much testimony to the effect that the direct primary method of making nominations "has a restraining and subduing influence upon the ruling authorities, and tends to elevate in importance the will of the voter in the party."

(8) As a whole, the relative merits of the conven-

tion and direct primary systems is a subject upon which there is room for much honest difference of opinion. The direct primary has justified neither the lamentations of its enemies nor the prophecies of its friends: it has not destroyed the party organization, nor, on the other hand, has it smashed the machine.

In concluding this brief outline of perhaps the most important subject in practical politics at the present time, we may add that "the direct primary is not a direct route to the political millennium. The most that may be hoped from it is that it may, by making possible a fair field and no favor, enable an honest candidacy to earn success. It gives the honest candidate his chance. It takes from the dishonest candidate some, at least, of the unfair advantage that was formerly his."<sup>1</sup> It is "an opportunity, not a cure." It appears to work very well wherever there is any general desire among the citizens to take advantage of it. "No conceivable statutory regulations will take the place of an intelligent and active public spirit, and where that spirit is present the statutory regulations are of comparatively slight importance." Under the new order the people cannot resort to the old trick of blaming the bosses. They will find the fault within their own household. The primary is thus at its worst a means of fixing more clearly than ever upon the voter his responsibility for the welfare of his government.<sup>2</sup>

Direct primary no panacea

<sup>1</sup> W. B. Shaw, in *The Outlook*, XC, 383 (1908).

<sup>2</sup> *The Nation*, LXXXVII, 132 (1908).

## QUESTIONS AND TOPICS

1. The origin and operation of the so-called "Crawford County System" in Crawford County, Pennsylvania.
2. The old primary system of Bucks County, Pennsylvania, before 1906. (See *Annals*, XX, 640 (1902).)
3. What political conditions in your State led to, or seem to make desirable, the adoption of the direct primary system?
4. Governor Hughes and the struggle for direct primaries in New York, 1908-1911.
5. Where the direct primary system is in force, what provision is made for additional nominations after the day of the primary election?
6. What effect has the open primary system in Wisconsin had upon the Democratic party in that State?
7. What may be urged for and against giving nominations by party committees the first place on the direct primary ballot?
8. What facts tend to support or to disprove the objection that State-wide direct primaries favor populous centres against rural districts?
9. Answer the objection that direct primaries are a direct blow to representative government.
10. Does experience prove or disprove that the man with limited means is debarred from obtaining nomination for, or election to, public office under the direct primary system?
11. What answers can be made to the other objections to the direct primary system?
12. Explain the operation of the direct primary where a majority, instead of a plurality, vote is required to nominate, and the voters indicate their first and second choices.
13. How are party platforms formulated where the "State-wide" direct primary prevails?
14. Direct primary legislation in the different States, 1909-11. (See Aylsworth.)
15. The Levy direct primary election law in New York (1911). (See Bard.)
16. The operation and limitations of the *non-partisan* direct primary. (See Munro.)

BIBLIOGRAPHY

- Allen, W. L., "The Trend Toward a Real Democracy," in *The Outlook*, LXXXIV, 120 (1906). Map showing extent of recent primary legislation.
- Anderson, F. M., "Test of the Minnesota Primary Election System," in *Annals*, XX, 616 (1902).
- Aylsworth, L. E., "Primary Election Legislation for 1909-1910," in *Am. Pol. Sci. Rev.*, VI, 60 (1912).
- Bard, A. S., "The Levy Election Law," in New York, 1911. *Pol. Sci. Quar.*, XXVII, 36 (1912).
- Barnett, J. D., "Forestalling the Direct Primary in Oregon," in *Pol. Sci. Quar.*, XXVII, 648 (1912).
- Beard, C. A., "The Direct Primary Movement in New York," in *Am. Pol. Sci. Assn. Proceedings*, VII (1910).
- Blair, Emily N., "Every Man His Own Campaign Manager," in *The Outlook*, XCVII, 426 (1911).
- Bourne, Jonathan, Jr., "Popular Government in Oregon," in *The Outlook*, XCVI, 321 (1910).
- "Popular Versus Delegated Government," speech in United States Senate, 3 May, 1910.
- Brackett, E. T., "The Direct Primary versus the Convention," in *Acad. Pol. Sci. Proceedings*, III, 172 (1913).
- Direct Primary Nominations: Why They Should be Adopted for New York.* Pamphlet published by the Citizens' Union, 1909. A strong presentation of the case for direct primaries.
- Dunn, A. W., "The Direct Primary: Promise and Performance," in *Rev. of Rev.*, XLVI, 439 (1912).
- Ford, H. J., "The Direct Primary," in *No. Am. Rev.*, CXC, 1 (1909). Takes strong ground against the direct primary.
- Hart, A. B., "The Direct Primary versus the Convention," in *Acad. Pol. Sci. Proceedings*, III, 162 (1913).
- Hemphill, J. C., "How the Primary System Works" (in South Carolina), in *The Independent*, LXVI, 730 (1909).
- Holcombe, A. N., "Direct Primaries and the Second Ballot," in *Am. Pol. Sci. Rev.*, V, 535 (1911).
- Horack, F. E., "Primary Elections in Iowa," in *Am. Pol. Sci. Assn. Proceedings*, VII (1910).

- Howland, H. J., "The Battle of Saratoga," in *The Outlook*, XCVI, 305 (1910). On the fight for direct primaries in the New York Republican convention.
- Jones, W. C., "Primary Elections in Illinois," in *Am. Pol. Sci. Assn. Proceedings*, VII (1910).
- Library of Congress, *List of References on Primary Elections* (1905).
- Literary Digest*, The, XLII, 445 (1911), "Chicago's First Direct Primary" (1911).
- Loeb, Isidor, "Direct Primaries in Missouri," in *Am. Pol. Sci. Assn. Proceedings*, VII (1910).
- Lowrie, S. G., "Second Choice Nomination Laws," in *Am. Pol. Sci. Rev.*, V, 600 (1911).
- Ludington, A., "The New York Direct Primary Bill of 1909" (embodying the new features advocated by Governor Hughes), in *Am. Pol. Sci. Rev.*, III, 371 (1909).
- "The Geran Law in New Jersey," in *Am. Pol. Sci. Rev.*, V, 579 (1911).
- Lush, C. K., "Primary Elections and Majority Nominations," in *Am. Pol. Sci. Rev.*, II, 43 (1907-8).
- Macy, Jesse, "The Influence of Primary Elections Upon Party Organization," in *Am. Pol. Sci. Assn. Proceedings*, IV, 175 (1907).
- Merriam, C. E., *Primary Elections* (1908). The best general study of the subject.
- "Some Disputed Points in Primary Elections," in *Am. Pol. Sci. Assn. Proceedings*, IV, 179 (1907).
- Meyer, E. C., *Nominating Systems: Direct Primaries versus Conventions in the United States* (1902).
- Michigan Political Science Association, *Proceedings*, 1905. Series of papers on primaries in Wisconsin, Minnesota, Ohio, Illinois, and New York.
- Munro, W. B., *Government of American Cities* (1912), ch. 6.
- New York, *Report of the Joint Committee . . . to Investigate Primary and Election Laws . . .* (1901).
- Nation*, The, LXXXVII, 131 (1908), "The Primary No Cure-all."
- New International Year Book* (1909), article on "Election Reform," on Governor Hughes's campaign in New York for direct primaries.

- Outlook, The*, XCI, 91 (1909). "Governor Hughes on Party Nominations."
- *Ibid.*, 370. "Nominations by Conventions and Direct Nominations."
- *Ibid.*, 426, "Direct Nominations."
- *Ibid.*, 654, "The New York Direct Nomination Bill" (1909).
- XCVII, 525 (1911), "Chicago's Mayoralty Contest."
- Review of Reviews*, XXXIX, 274 (1909), "Direct Nominations in New York."
- XLIII, 466 (1911), "The People's Primaries in Chicago."
- Schaffner, Margaret A., *Primary Elections: The Test of Party Affiliations*, Wisconsin Legislative Reference Dept., Bulletin No. 13 (1908).
- Shaw, W. B., "The Direct Primary on Trial," in *The Outlook*, CX, 383 (1908).
- Taylor, C. F. (Editor), *Equity*. A quarterly review devoted to the direct primary, preferential voting, the short ballot, and the initiative, referendum, and recall (Philadelphia).
- Woodburn, J. A., *Political Parties and Party Problems*, ch. 20, "Primary Election Reform."
- Woodruff, C. R., "Nomination Reform in America," in *The Forum*, XLII, 493 (1909). States and answers objections to the direct primary.
- Woollen, Evan, "The Direct Primary Experiment," in *Atlantic Monthly*, CX, 41 (1912).

## CHAPTER VII

### NOMINATION OF REPRESENTATIVES AND SENATORS IN CONGRESS. POPULAR ELECTION OF SENATORS. PRESIDENTIAL ELECTORS

Congressmen, before 1842, nominated by State conventions

OF the vast body of Federal office-holders, numbering nearly 400,000, only a little over 500, including President, Vice-President, representatives, and senators, obtain their positions by the process of nomination and election.

Members of the House of Representatives, commonly called congressmen, are apportioned among the various States according to population by an act of Congress passed soon after each decennial census. Prior to 1842 the different States provided for popular election of their congressmen in their own way. In the majority of States, they had been elected at one time or another on a general or common ticket by the voters of the State at large, as we now choose presidential electors. Under this system it usually happened that the party which carried the State got all the congressmen from that State, although the vote might have been very close. The candidates were nominated by the State conventions of the different parties.

In 1842 Congress passed an act which did away with the general ticket method of election and required that henceforth representatives in Congress should be

elected by *districts* composed of nearly equal population and of contiguous territory. The determination of the boundaries of these districts was left to the various States. This change in the method of electing congressmen led to a change in the method of their nomination. Since 1842 and until recently, congressmen have been almost uniformly nominated by delegate conventions in each congressional district, composed of delegates chosen at caucuses or primaries conducted under State laws in the various wards, towns, cities, or assembly districts forming the congressional district. The call for the convention is issued by the congressional district committee, and in the call is stated the number of delegates to which each unit of representation is entitled. The convention is called to order by the chairman of the district committee.

Since 1842, nominated (1) by district conventions

It sometimes happens that after a new apportionment act has been passed by Congress a State finds that it has received an increase in the number of representatives to which it is entitled. If the legislature fails to redistrict the State before the next congressional election, the additional representatives may be nominated by the State conventions of the different parties, and elected on a general ticket, as was the practice before 1842; representatives so elected are known as congressmen-at-large. A State is also permitted to elect all of its congressmen upon a general ticket when its representation in Congress has been reduced and there has not been sufficient time in which to rearrange the districts. The nominations are then made by State conventions.

(2) Occasionally by State conventions



(3) Increasingly  
by direct  
primaries

Nomination by district conventions has been the prevailing method of nominating congressmen until within a few years. Recently a large number of States have substituted the direct primary election method. The names of aspirants appearing on the primary election ballot are placed there as the result of filing petitions in the manner provided for local and State offices, described in the preceding chapter. Congressmen-at-large from States where the direct primary election method is in force continue, in some States, to be named by the State conventions; while in others, they are nominated by a State-wide direct primary election.

Senators  
usually  
nominated by  
party legislative  
caucus

The processes of nominating and electing the *United States senators* have, in some particulars, become so interrelated that the two processes will be considered together. The election of senators is vested by the Constitution in the legislatures of the respective States. The formal nomination of senatorial candidates is made either on the floor of each house of the legislature, or before the two houses in joint session, usually but not always, before balloting begins. Before the time fixed for the commencement of the balloting the members of each party represented in the legislature meet in a caucus for the purpose of determining, if possible, which senatorial aspirant the members of the party will unitedly support. The call for this caucus is issued, in some States, by the chairman of the caucus committee of the two houses; in other States, by a few of the most active supporters of some aspirant.

Usually all the members of the party in the legisla-

ture attend the caucus. There the names of different aspirants are presented and arguments advanced in behalf of each by their respective supporters. A formal ballot usually follows, and the aspirant receiving the highest number of votes, or a majority of the votes, is declared to be *the caucus nominee* of the party. This result is often not reached until after there has been a bitter and prolonged fight extending to more than one session of the caucus. Friends of the successful aspirant naturally insist that the result of the caucus is morally binding upon all members of the party in the legislature, and it is generally regarded as morally binding by and upon all those who attended and participated in the caucus. Occasionally, however, the rivalry between different aspirants has become so keen and feeling has become so embittered that the supporters of one or more of the minority aspirants leave, or "bolt," the caucus; or else they subsequently refuse to be bound by its decision. Such conduct is usually made the occasion for depriving the "bolters" of coveted committee assignments and patronage and for bestowing upon them an unlimited amount of abuse and denunciation by the friends of the caucus nominee. When such bolts occur, the dissatisfied element in the party presents the name of its candidate to the legislature either just before the balloting begins or after it has been in progress for a time without resulting in an election. Their object is to draw sufficient support away from the principal candidates or from the opposing party to bring about the election of their own candidate; or if that is impossible, at least so to divide the votes of the legislature

Decision  
binding  
on partic-  
ipants

that no candidate receives the majority required for an election. It not infrequently happens that the friends of a particular candidate, being in a minority in their party, absent themselves from the party caucus, knowing that they will be regarded as morally bound by its action if they participate. They prefer to take their chances on the floor of the legislature in attracting to their candidate sufficient support from members of the opposite party to insure his election.

In States where one party is overwhelmingly predominant, the party caucus is often omitted altogether, and a sort of free-for-all contest is permitted on the floor of the legislature. In such States even unanimous elections, usually re-elections, are not unknown.

The strength of the following which each senatorial aspirant has in the legislature is pretty accurately known before the legislature assembles. These aspirants usually make their candidacy known before or during the campaign in which members of the legislature are to be nominated and elected, and seek to obtain pledges of support from the legislative candidates. Often these candidates are expected to declare for which senatorial aspirant they will vote, if elected. It is almost universally the practice for the members of the majority party in the legislature to limit their choice to the aspirants who have previously announced themselves, and who have been conducting a vigorous campaign in their own interests.

*Objections to the legislative election of senators*

During the past twenty years there has appeared an increasing amount of dissatisfaction with the constitutional method of choosing senators, accompanied by a growing demand for direct election by the people.

This has arisen from certain defects or evils appearing, in some States at rare intervals, in others frequently, in connection with the choice of senators by State legislatures. The principal objections to the present system, based upon these defects, are, in brief, as follows:

(1) It is felt that the election of senators by the legislature diminishes their sense of responsibility to the people whom they are supposed to represent; and that instead of becoming more representative of the people, the tendency is for senators to become less truly representative.<sup>1</sup>

(2) It is claimed that the legislative election, instead of being the free choice of a majority of the entire legislature, as was the intention of the framers of the Constitution, is now, in perhaps the majority of cases, determined not by the legislature but by the caucus of the dominant party. In this party caucus it has happened that a bare majority, constituting a minority of the entire legislature, has defeated the evident desires of the majority of the people of the State.

(3) Prolonged and stubborn contests, known as "dead-locks," during which no candidate obtains the required majority, frequently end in an adjournment of the legislature without any election. This occurred, for example, in Delaware in 1895, when 217 ballots were taken during the legislative session of 100 days. The result in such cases is to leave the State only partially represented in the Senate until the meeting of the next legislature. Between 1890 and 1900 no less than ten States were represented for varying

<sup>1</sup> G. H. Haynes, *The Election of United States Senators*, 63.

periods by only one senator, owing to the inability of a majority of the legislature to agree upon one candidate.<sup>1</sup> One effect of a prolonged dead-lock is to make public sentiment to some extent impatient and to put the community in position to condone the election of an unfit man. This situation is conducive to "springing" a candidate who has not before appeared. The recent election of Mr. Lorimer in Illinois is a good instance in point.

(4) Senatorial election contests in the legislature often seriously interfere with the transaction of the business of the State, and have even been known to prevent the organization of the legislature. Not infrequently the whole time of the legislature is taken up with a prolonged and fruitless attempt to elect a senator, to the complete neglect of the State business.<sup>2</sup>

(5) Senatorial elections by legislatures produce a serious and objectionable confusion of national and State politics. Instead of dividing naturally upon questions of local interest and importance, the voters in the State are divided artificially by the alleged necessity of electing some man as United States senator who will support this or that national policy. The attention and interest of the citizens are centred upon the affairs of the nation when they should be devoted to the affairs of the State. The result is that if the legislators are not chosen *solely* to compass the election of a senator, they are elected at least primarily for that purpose, and only secondarily to attend to the business of the State. Men of inferior character and abilities frequently constitute the majority

<sup>1</sup> *Ibid.*, 37, 60.

<sup>2</sup> *Ibid.*, 65.

in our legislatures because of their senatorial preferences, whereas the ablest and most competent men who could take the best care of the interests of the State are defeated because of *their* senatorial preferences.<sup>1</sup>

(6) The opportunity and temptation which a legislative election of senators affords for the corrupt use of money or promises of political reward are very great. In close contests where only a few votes are needed to turn the scale bribery, direct or indirect, has been a notorious accompaniment of senatorial elections.<sup>2</sup>

(7) It is felt that the Senate has become "a rich man's club," membership in which is regarded as a fitting climax to a successful business career, regardless of a man's qualifications as a law-maker or statesman. It is firmly believed by many people that this class of senators, many of whom are either corporation magnates or former corporation attorneys, acting as the representatives of powerful special interests, have been instrumental in defeating many reforms desired by the general public.

The dissatisfaction engendered by these defects of the present method of electing senators, together with the difficulty in obtaining an early amendment to the Constitution, has given birth to a number of ingenious experiments whereby the letter of the Constitution may be respected, but popular election, or at least popular nomination, of senators may be secured by indirection. The result is that United States senators

**Ways of  
securing  
indirect  
popular  
election  
or nom-  
ination  
of sena-  
tors:**

<sup>1</sup> *Ibid.*, 68; J. A. Woodburn, *The American Republic*, 218.

<sup>2</sup> Haynes, *op. cit.*, 51.

in increasing numbers are being selected indirectly by a vote of the people.

(1) By making choice of legislators turn upon their senatorial preferences

(1) One means of indirectly obtaining popular control of senatorial elections has been to secure the nomination or indorsement of some one senatorial aspirant by the State convention of each party when meeting to nominate State officers. The candidates thus indorsed often "stump" the State against the candidate of the opposing party, and the election of members of the legislature turns upon the senatorial question. Under such circumstances the election of senator is virtually determined when the members of the legislature are elected.<sup>1</sup> When, however, there are strong factions within a party, this method of influencing the choice of the legislature does not always yield satisfactory and certain results. Far more effective agencies have in recent years been devised to secure popular control of senatorial elections.

(2) By quasi-direct primary

(2) The laws of some States either permit the State executive committees of the different parties to ascertain the senatorial preferences of the party voters by a sort of direct party primary, or else *require* these committees to ascertain such preferences whenever petitioned so to do by a majority of the party voters. This method is common in the Southern States.<sup>2</sup>

(3) By "advisory" primary

(3) In other States there are laws permitting the voters of each party or the legislative candidates at direct primary elections to signify upon the ballot their preferences among the party's aspirants for the sen-

<sup>1</sup> The most important instance of this occurred in 1858, when Lincoln and Douglas were indorsed by the State conventions of their respective parties in Illinois.

<sup>2</sup> Beard, 242.

atorship; the result, however, is not considered legally or morally binding upon the party members of the legislature. Illinois and Pennsylvania have such laws.<sup>1</sup> This is sometimes called an "advisory" primary.

(4) In Kansas, and in about thirty other States, the senatorial aspirants whose names are to be presented to the legislature are nominated, like State officers, in a direct primary election. It is expected that the one in each party receiving the highest number of votes shall be the only candidate presented by the party. Such direct nominations are probably not legally binding upon the members of the legislature, although they are regarded as morally binding; and it is usually politically inexpedient for legislators to go counter to the wishes of their party thus clearly expressed.<sup>2</sup>

(4) By  
genuine  
direct  
primary

(5) Oregon goes still further and has not only direct primary nomination of senatorial candidates, but in addition has what is virtually a popular *election* of senators. Candidates for the Senate are first nominated by each political party at the direct primary election. Then at the ensuing regular election the voters of the State cast ballots for United States senator from among the persons previously nominated at the primary. The person who receives the largest popular vote in the election is declared to be "the people's choice," and the legislature is morally bound to elect this individual. So it came about that in 1908 the Republican legislature, faithfully obeying the mandate of the people, elected Governor Chamberlain, a Democrat, to the United States Senate. When, as

(5) By  
direct  
primary  
followed  
by virt-  
ually  
popular  
election

<sup>1</sup> *Ibid.*, 243.

<sup>2</sup> *Ibid.*, and *Readings*, 225.



in this case, the legislature follows the popular choice indicated by the election returns, we have to all intents and purposes popular election of senators, and at the same time a compliance with the letter of the Constitution.<sup>1</sup> The legislative election then amounts to nothing more than a formal ratification of the popular choice; it is stripped of practically all discretion and made nearly, if not quite, as perfunctory as the election of the President by presidential electors.

Recognizing that the result of the popular vote for a United States senator could not be made legally binding upon the legislature, the framers of the Oregon law of 1904 incorporated an ingenious device designed to prevent the defeat of the popular will in the legislature. A candidate for the legislature in Oregon *may* include in his petition for a place upon the primary ballot one of the following statements:

#### STATEMENT NO. 1

"I further state to the people of Oregon, as well as to the people of my legislative district, that during my term of office I will always vote for that candidate for United States senator in Congress who has received the highest number of the people's votes for that position at the general election next preceding the election of a senator in Congress, without regard to my individual preference."

#### STATEMENT NO. 2

"During my term of office I shall consider the [popular] vote for United States senator in Congress

<sup>1</sup> Jonathan Bourne, Jr., in *The Outlook*, XCVI, 321 (1910).

as nothing more than a recommendation which I shall be at liberty to wholly disregard, if the reason for doing so seems to me to be sufficient."

By including, or failing to include, one of these "Statements" in his petition for a place on the primary ballot the position of each legislative aspirant on the senatorial question can be pretty definitely ascertained before the primary and election. The result is that the majority have signed "Statement No. 1" and have fulfilled its pledge.

In spite of these more or less successful devices for indirectly securing the popular nomination or election of United States senators, there has been a growing agitation for an amendment to the Constitution specifically abolishing election of senators by the legislature and substituting therefor election by direct vote of the people.

The  
move-  
ment to  
amend  
the Con-  
stitution

In the Populist platform of 1892, the demand for this change appeared for the first time in a national campaign. In 1900 the Democratic party included a similar demand in its platform, while in 1908 that party declared this reform to be "the gateway to other national reforms."

Five times, at least, a proposed amendment to the Constitution providing for the popular election of senators has passed the House of Representatives only to be defeated in one way or another in the Senate. In March, 1911, the proposed amendment came very near to passing both houses, lacking only four votes of the necessary two-thirds in the Senate. Such an amendment might be secured through a convention called by

Congress at the request of the legislatures of two-thirds of the States. There are now forty-eight States, and two-thirds would be thirty-two. Since 1900 no less than twenty-eight States have passed resolutions calling upon Congress to summon such a convention to frame the necessary constitutional amendment for popular election of senators. Similar action by only four more States will impose upon Congress the duty of calling the convention. When an amendment drafted by such a convention has been ratified by the legislatures of three-fourths of the States, it will become operative.<sup>1</sup>

Argu-  
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favorable  
to popu-  
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tions

The leading arguments advanced by those in favor of the election of senators by popular vote, briefly stated, are as follows:

(1) Popular election would complete the process which has been in progress for more than sixty years, whereby the choice of most of the important State officials has been gradually taken away from the State legislatures and vested directly in the people by means of popular elections. When the Federal Constitution was adopted there existed a very general distrust of the common people—a distrust shared by the framers of that document. Furthermore, at that time there was a practical advantage in vesting the selection of senators in the legislature which does not exist to the same degree at the present time. It was difficult for public opinion to form and express itself effectively. Means of travel were exceedingly poor,

<sup>1</sup> W. K. Tuller, in *No. Am. Rev.*, CXCIH, 370 (1911). Since the above was written a proposed amendment has passed both houses of Congress (May, 1912), and now merely awaits ratification by the legislatures of three-fourths of the States.

means of communication were very few and inadequately developed, newspapers were comparatively rare and of very limited circulation. The legislatures furnished the best means then at hand for the articulation of public sentiment. They no longer perform this important function.

(2) It is claimed that popular election would improve the tone of the Senate. In the Senate of the Fifty-eighth Congress, for example, one out of ten members had been put on trial before the courts or subjected to legislative investigation for serious crimes, or for grave derelictions from official duty, and in every case the accused senator either was found guilty or at least failed to purge himself thoroughly of the charges.<sup>1</sup>

(3) It would make the senators directly responsible to the people, instead of to a changing body meeting at infrequent intervals, like the State legislature.

(4) Popular choice of senators would remove the growing distrust of the Senate due to the influence of individual and corporate wealth. Under popular elections, it is claimed that few rich men and corporation magnates or attorneys could be chosen. At any rate, a Senator would have to be a man who could command public confidence.

(5) Popular election would make for the betterment of the State and local government by tending to divorce national from State and local politics. Members of the legislature could then be chosen on the basis of their fitness for attending to the business of

<sup>1</sup> Haynes, *op. cit.*, 165.

the State, and local questions would be uncomplicated by national issues.

(6) State legislatures would be left free to devote themselves to the business of the State. Interference with the transaction of that business and the prolonged interruptions, due to the present system of choosing senators, would cease.

(7) Since legislative dead-locks over senatorial elections would no longer occur, every State would enjoy its full representation in the Senate at practically all times.

**Defence  
of legis-  
lative  
election**

The opponents of popular election of senators, besides entering a general denial of the validity of most of the arguments just enumerated, advance the following reasons, briefly stated, in defence of the present method of election:

(1) Popular election would fundamentally change the character of our political system.<sup>1</sup>

(2) Popular election would essentially alter the character of the Senate as conceived by the wise framers of the Constitution. From being a conservative body with aristocratic leanings, unaffected by waves of popular passion, and serving as a check upon the popular tendencies of the lower house of Congress, the Senate would become essentially democratic, easily moved by popular clamor, and no longer a check upon the House of Representatives.

(3) Where the convention system of making nominations still prevails, popular election of senators would soon degenerate into a virtual transfer of the elec-

<sup>1</sup> This claim is ably answered by Professor Burgess in *Pol. Sci. Quar.*, XVII, 650 (1902).

tion from a responsible body, like the State legislature, to irresponsible bodies like the ordinary delegate convention, the evils of which have already been discussed.

(4) Popular election would give the large cities, where the foreign voters already constitute a most serious political factor, an undue influence in determining the choice of senators, at the expense of the rural communities, and with possibly serious effects upon the character of the senators elected.

(5) New temptations to demagogism and new opportunities for fraud and other corrupt practices in connection with elections would be opened up, especially in close contests. The number of disputed elections would increase, along with the difficulty of their satisfactory adjustment. Thus, instead of increasing the confidence of the people in their senators, that confidence would be greatly diminished.

(6) Whatever evils now and then happen under the present system do not arise from any fault of the system itself, but from the fault of the body of citizens themselves, due to their lack of interest and participation in politics, their non-attendance at caucuses or primaries, their neglect to register or to vote, and their slavish fidelity to party organizations and party names. Increase the political interest, activity, and vigilance of the average citizen, and most of the evils connected with the legislative election of senators would disappear.

*Presidential electors* are, strictly speaking, State officers, inasmuch as their nomination and election are subject to State control. They are nominated by po-

Presiden-  
tial elec-  
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function

litical bodies within the States and are paid, when elected, by the States. They are, however, created by the Federal Constitution, and their functions bear such an obvious relation to national politics that the method of their nomination will be briefly outlined in this chapter.

In any State a party desiring to present candidates for President and Vice-President is entitled to nominate as many candidates for presidential electors as the combined number of senators and representatives in Congress from that State. Furthermore, it is only by presenting to the voters such lists of candidates for presidential electors that a party comes to be regarded as a national party. It is only by voting for one such list of candidates that the ordinary citizen participates in the election of a President and a Vice-President.

Nomi-  
nated by  
State  
conven-  
tions or  
by direct  
primary

In most States all of the candidates for presidential electors are now nominated at the regular party State conventions held for the nomination of State officers in presidential election years. In case there are no State officers to be nominated in those years, a special State convention is called for the express purpose of nominating the presidential electors. In States where all the electoral candidates are nominated in a State convention it is customary to select at least one candidate from each congressional district in the State. In some States the State convention nominates only the candidates for *electors-at-large*, while each congressional district convention nominates one electoral candidate. Where the State conventions and the congressional district conventions have been supplanted by the direct primary method, special State

conventions are called to nominate the electors-at-large, or else it is left optional with parties to employ either the direct primary or the convention.

The entire list of candidates for presidential electors for a State, in whatever way nominated, is called the "electoral ticket." Vacancies occurring in the electoral ticket before the election are usually filled either by the other nominees or by the State committee of the party concerned. In selecting candidates for the electoral ticket, preference is frequently shown for distinguished members of the party who have never held national office, or who have retired therefrom, and for partisans who are willing to make generous contributions toward meeting the expenses of the campaign.<sup>1</sup>

The only Federal officers whose nominations remain for consideration are the President and Vice-President. The method by which the candidates for these highest offices in the gift of the American people are chosen is unique in modern politics and so important as to deserve a special chapter.

## QUESTIONS AND TOPICS

1. What are the qualifications for United States senators and representatives? Who may vote for representatives in Congress under the Federal Constitution and the laws of your State?

2. What different methods have been followed in apportioning representation in Congress among the several States? Would proportional, that is, minority, representation be an improvement upon the present method?

3. Federal supervision or interference in congressional elections, 1870-1894. The "Force" bill of 1890 and the way in which it was defeated.

<sup>1</sup> Dallinger, 88.



4. What circumstances produced the Act of 1842 providing for the election of congressmen by districts?

5. What methods of nominating congressmen prevail in your State? If by direct primary, how may an aspirant get his name upon the primary ballot? Who is the congressman from your district? What qualifications does he possess which fit him for the office? What were the circumstances surrounding his nomination?

6. Contested congressional election cases. (See Rammekamp.)

7. An account of the debates in the Federal convention of 1787 over the method of choosing senators.

8. What circumstances produced the Act of 1866 regulating the election of United States senators?

9. Describe the actual process of voting for United States senators before 1866 and at the present time.

10. What reasons have been deemed sufficient on various occasions to bring about the expulsion or rejection of persons elected to the House or the Senate?

11. The case of Senator Lorimer, of Illinois, 1910-1912. (See the *Congressional Record*, and Reports of Senate committee on privileges and elections which investigated this case.)

12. The New York senatorial dead-lock in 1911.

13. The debate in the United States Senate over the proposed constitutional amendment authorizing popular election of senators, 2d session of the 61st Congress, 1910-1911.

14. Is it true that the popular election of United States senators would change the whole character of our political system? (See Burgess.)

15. Do State legislatures have the right to instruct their senators and representatives in Congress how to vote on specific subjects?

16. The discussions in the Federal convention of 1787 over methods of choosing the President.

17. The debates in Congress over the 12th Amendment to the Constitution.

18. Arguments for and against the abolition of the office of Vice-President.

19. How is the President chosen in Mexico, Brazil, Argentina, France, and Switzerland?

20. What arguments may be advanced for and against the popular election of the President?

21. Summarize the different plans or attempts to change the method of electing the President. (See Lalor, II, 69, and Stanwood, 358, for references.)

22. The congressional election of President in 1800 and in 1824.

23. The proceedings in regard to the disqualified presidential electors from North Carolina in 1837. (See the *Register of Debates in Congress*.)

24. Congressional debate over the electoral vote from Wisconsin in 1857.

25. The disputed electoral returns in 1876.

26. How many vacancies in the electoral vote of a State be filled which occur after the date of the election?

27. What is the ordinary procedure of the electoral college in each State; also in Congress relative to the counting of the electoral votes from the different States?

28. What are the arguments for, and the objections to, the choosing of presidential electors by districts? (See Dougherty, Phelps.)

29. At what time does a newly elected Congress ordinarily assemble? Should this time be brought forward, nearer the date of election? (See Shafroth.)

30. Compare the political influence enjoyed by representatives and senators.

31. The emergence of party lines in the electoral college, 1789-1800.

32. Is it the duty of presidential electors to record the will of the people of their States in voting for presidential candidates, or to record the will of the national convention nominating those candidates, when there is a conflict between the two?

33. Complications in Pennsylvania and other States in 1912 in connection with the nomination of Republican and "Progressive" presidential electors.

34. The case of the Kansas Republican and "Progressive" presidential electors in 1912, and the decisions of the Federal courts.

35. The Idaho presidential electoral case of 1912 and the contempt proceedings growing out of it.

36. West Virginia's senatorial bribery scandal, (1913).
37. Senate debate on limiting the President's term, January, 1913. (See *Congressional Record*, 3d session, 62d Congress.)
38. The Illinois and New Hampshire senatorial dead-locks in 1913.

## BIBLIOGRAPHY .

- Ashley, R. L., *The American Federal State* (1902), chs. 11-12.
- Beard, C. A., *American Government and Politics*, and *Readings*, ch. 12.
- Bishop, G. R., "The Mode of Electing United States Senators," in *The Forum*, XLII, 142 (1909).
- Bourne, Jonathan, Jr., "Popular Government in Oregon," in *The Outlook*, XCVI, 321 (1910).
- "Popular *versus* Delegated Government." Speech in the United States Senate, 5 May, 1910.
- Burgess, J. W., "The Election of United States Senators by Popular Vote," in *Pol. Sci. Quar.*, XVII, 650 (1902).
- Carlisle, J. G., "Dangerous Defects of Our Electoral System: A Remedy," in *The Forum*, XXIV, 257, 651 (1898).
- Carter, T. H., "A New Dangerous Proposition," in *The Independent*, LXX, 291 (1911).
- Commons, J. R., *Proportional Representation* (1907). *Congressional Record*, 2d session, 61st Congress. Debates in Senate on popular election of senators.
- Connolly, C. P., "The Story of Montana," in *McClure's*, XXVII, 451, 629; XXVIII, 27, 198 (1906-1907). On the election of Senator W. A. Clark.
- Dallinger, F. W., *Nominations for Elective Offices in the United States* (1897).
- Doolittle, J. R., "The Electoral System," in *Pol. Sci. Quar.*, XIX, 369 (1904).
- Dougherty, J. H., *The Electoral System of the United States*, (1906).
- Edmunds, G. F., "Should Senators Be Elected by the People?" in *The Forum*, XVIII, 270 (1894).
- Fulton, C. W., "The People as Legislators in Oregon," in *No. Am. Rev.*, CLXXXV, 70 (1907).
- Garner, J. W., "The Presidency of the French Republic," in *No. Am. Rev.*, CXCVII, 335 (1913).

- Garrison, W. P., "The Reform of the Senate," in *Atlantic Monthly*, LXVIII, 227 (1891).
- Hart, A. B., *Actual Government as Applied under American Conditions* (1902).
- Haskins, F. J., "The Honorable, the Electors," in *Everybody's*, XXVIII, 215 (1913).
- Haworth, P. L., *The Hayes-Tilden Disputed Presidential Election of 1876* (1906).
- Haynes, G. H., *The Election of United States Senators* (1906).
- "Popular Election of United States Senators," in *Johns Hopkins University Studies*, XI, 547 (1893).
- "Popular Control of Senatorial Elections," in *Pol. Sci. Quar.*, XX, 577 (1905).
- Hendrick, B. J., "Statement No. 1," in *McClure's*, XXXVII, 505 (1911). On the Oregon system of electing senators.
- Hoar, G. F., "Has the Senate Degenerated?" in *The Forum*, XXXII, 129 (1897).
- Holcomb, J. W., "The Electoral College: Its Prerogatives and Possibilities," in *The Forum*, XLVIII, 526 (1912).
- Kennan, George, "Holding-Up a State," in *The Outlook*, LXXIII, 277, 386, 429 (1905). On the Addicks senatorial contest in Delaware.
- Learned, H. B., "Some Aspects of the Vice-Presidency," in *Am. Pol. Sci. Rev.* (Supplement), VII, 162 (1913).
- Library of Congress, *List of References on the Popular Election of Senators* (1904).
- *Additional References on the Popular Election of Senators* (1911).
- Literary Digest*, XLV, 134 (1912), "Lorimer Out."
- XLVI, 327 (1913), "Six Year Presidents."
- *Ibid.*, 441, "West Virginia's Bribery Scandal" (1913).
- Miller, C. R., "Has the Senate Degenerated?" in *The Forum*, XXIII, 129 (1897). A reply to Senator Hoar.
- Mulkey, F. W., "Electing United States Senators," in *The Independent*, LXIII, 847 (1907).
- O'Neal, Emmet, "Elections of United States Senators by the People," in *No. Am. Rev.*, CLXXXVIII, 700 (1906).
- Outlook*, The, XCVII, 389 (1911), "How We Elect Senators." On the New York dead-lock of 1911.
- XCVII, 13 (1911), "The Lorimer Case."
- CI, 656 (1912), "The Duty of Presidential Electors."

*Outlook*, *The*, CI, 663, "Presidential Electors."

— CIII, 151 (1913), "The Idaho Case."

Phelps, E. J., "The Choice of Presidential Electors," in *The Forum*, XII, 702 (1891-92).

Phillips, D. G., "The Treason of the Senate," in *Cosmopolitan*, XL, 487, 628; XLI, 3, 627; XLII, 77 (1906-1907).

Rammelkamp, C. H., "Contested Congressional Election Cases, in the United States," in *Pol. Sci. Quar.*, XX, 421 (1905).

Raymond, C. S., "The Lorimer Scandal," in *American Magazine*, LXX, 570 (1910).

Russell, C. E., "What Are You Going to Do About It?" in *Cosmopolitan*, XLIX, 592; L, 45 (1910). On senatorial elections in Illinois and Colorado.

Shafroth, J. F., "When Congress Should Convene," in *No. Am. Rev.*, CLXIV, 374 (1897).

Shaw, Albert, "The Electors and the Coming Election," in *Rev. of Rev.*, XXIII, 66 (1901). On the functions of the electors.

Townshend, R. D., "How We Elect a President," in *The Outlook*, XC, 299 (1900).

Tuller, W. K., "A Convention to Amend the Constitution," in *No. Am. Rev.*, CXCI, 369 (1911).

Wakeling, Arthur, "The Kansas Electoral Case" (1912), in *Green Bag*, XXIV, 517 (1912).

Woodburn, J. A., *The American Republic*, chs. 3-5.

## CHAPTER VIII

### NOMINATION OF PRESIDENT AND VICE-PRESIDENT. THE NATIONAL CONVENTION. THE PRESIDENTIAL PREFERENCE PRIMARY

The present custom of nominating candidates for President and Vice-President by a national convention supposed to represent the party voters throughout the nation was introduced by the Anti-Masonic party in 1831, and followed the same year by the National Republicans, the predecessors of the Whigs. Besides nominating candidates, the national convention has two other important purposes: to draft "a formal declaration of the principles, views, and practical proposals of the party," which is known as the platform; and the appointment of a national committee to serve for four years.

(1) The call for a national convention of the two great parties, and of minor parties which have been in the field for some time, is issued by the national committee. In the case of a new party, the call for a national convention may be issued by the leaders at a preliminary convention, or it may be merely signed by them and published broadcast through the newspapers. In January or December preceding a presidential election, the national committee of the two great parties meets in Washington and decides upon the time and place of holding the convention; and

*Preliminaries to the national convention. The call*

having determined that important question, the committee issues the formal call, signed by its chairman and secretary.

The call for the Democratic convention is much briefer than that for the Republican convention, merely stating the time and place of holding the convention, the number of delegates to which each State and Territory is entitled, and inviting those in sympathy with the principles and aims of the party to participate in the choice of delegates. Nothing is said, however, relative to the manner of choosing delegates, that being left for each State and Territory to determine.<sup>1</sup>

The call for the Republican convention, besides covering the points included in the Democratic call, goes on to prescribe in general terms the process by which the delegates are to be chosen in the States and Territories, the period within which they must be chosen and their credentials forwarded to the secretary of the national committee; and it also outlines the procedure in cases of contesting delegations. A copy of the call of each party is sent to the state committee in the several States and published in the newspapers of the country. The time selected for the meeting of the convention is usually in the month of June or early in July. The place chosen is usually a large city with adequate railway, hotel, and auditorium accommodations.<sup>2</sup>

<sup>1</sup> See *Official Proceedings* of the Democratic and Republican conventions.

<sup>2</sup> The preliminary arrangements for the convention are intrusted to an executive committee of the national committee. This committee elects a sergeant-at-arms for the convention, and to him is in-

Before 1852 the number of delegates from each State in a national convention was usually equal to the number of its senators and representatives in Congress. From 1852 to 1872 the Democratic convention consisted of twice the congressional delegation, but each delegate had only half a vote. Since 1872 the number has remained the same, but each delegate has had a whole vote. This has also been the rule in the Republican convention since 1860.<sup>1</sup> Each Territory and dependency and the District of Columbia are also given representation in the national conventions. In the Democratic convention of 1912 there were six delegates from the Territory of Hawaii and from each of the dependencies and the District of Columbia; while in the Republican convention there were six delegates from Hawaii, two each from Alaska, the District of Columbia, Porto Rico, and the Philippines. The total number of delegates in 1912 in the Republican convention was 1,078; and in the Democratic convention, 1,094. A number of alternates from each State, Territory, and dependency equal to the number of delegates is also elected to serve in the absence of the delegates. They are given seats on the main floor of the convention directly back of the delegates.

"The promulgation of the calls of the national convention, like the pressing of an electric button, starts up the whole gigantic machinery of party organization,

trusted the duty of superintending the printing of admission tickets, the organization of a force to act as assistants, ushers, and pages, to seat the people and to assist in maintaining order during the sessions of the convention. Woodburn, *Political Parties*, 177.

<sup>1</sup> *Ibid.*, 156.

Appor-  
tionment  
of dele-  
gates



communicating the motions from the top down, from wheel to wheel and cog to cog, until it reaches the individual elector of each party, who, in theory at least, decides the destinies of candidates as well as of the nation."<sup>1</sup>

Choice of  
delegates  
by State  
and dis-  
trict con-  
ventions  
or by di-  
rect pri-  
mary

(2) Upon receipt of the copy of the call from the national committee, the State committee proceeds to call a State convention for the purpose of choosing the four delegates-at-large (or six, if the State has a representative-at-large<sup>2</sup>), except where the State law requires choice by direct primary. At the same time the State committee notifies the different congressional district committees of the State. These in their turn proceed to call congressional district conventions to choose the two delegates and alternates from the district, except in those States in which delegates are chosen by the direct primary method. If in any congressional district there is no district committee, the State committee of the party either calls the district convention or appoints a committee from that district to issue the call. The territorial delegates are elected by conventions acting under the supervision of committees appointed by the national committee.

The foregoing is the method now used in all parts of the country for the selection of delegates by the Republican party, and it is the usual, though not the only, method prevailing with the Democratic party. In New York, for example, and several other States Democratic State conventions choose the entire dele-

<sup>1</sup> Victor Rosewater, in *Rev. of Rev.*, XXXVII, 331 (1908).

<sup>2</sup> The same State conventions may also nominate candidates for State offices.

gation to the national convention. That is to say, the entire State convention elects the delegates-at-large, while the delegates in the State convention from the respective congressional districts caucus by themselves and nominate to the convention the delegates from their district. These nominations are then usually ratified by the State convention.<sup>1</sup>

From what has been said above it will easily be seen that whether or not the national convention is a body truly representative of the party membership at large depends upon the activity of the party members in their local primaries where the delegates are chosen for the district and State conventions. A clique of politicians in the several districts and States may manipulate the district and State conventions, and thus seriously impair the representative character of the national convention. Early in the convention year the friends of the leading aspirants proceed to organize in each State, and endeavor in every way to get as many State and district conventions as possible to instruct the delegates to support their respective favorites at the national convention. The newspapers publish the comparative standing of the various candidates, giving the returns from each State and district convention as they come in, and revising their estimates from day to day until all the delegates have been chosen. This ante-convention contest is frequently very exciting; but, as a rule, it is impossible, even after all the delegates have been elected, to tell who will be the actual nominee of the convention.<sup>2</sup> Exceptions to this rule are the nomination of Grant in

The pre-convention campaign

<sup>1</sup> Dallinger, 77.

<sup>2</sup> *Ibid.*

1868, Cleveland in 1884, McKinley in 1896 and 1900, Roosevelt in 1904, and Taft in 1908, in all of which cases the nomination was practically settled before the convention met.

Before leaving their homes for the national convention most of the delegates have fixed on their candidate, many having, indeed, received positive instructions as to how their vote shall be cast. "All appears to be spontaneous, but in reality, both the choice of the particular men as delegates and the instructions given, are usually the result of untiring underground work among local politicians, directed, or even personally conducted, by two or three skilful agents and emissaries of a leading aspirant, or the knot which seeks to run him."<sup>1</sup>

"Instruc-  
tion" of  
delegates

As is suggested above, the conventions which choose the delegates to the national convention frequently direct or "instruct" their delegates to support a certain candidate for the presidential nomination and also to support or oppose certain important policies likely to be mentioned in the party platform. In the case of the Republican party, the instructions voted by a State convention apply only to the delegates-at-large chosen by that convention, and not to the delegates chosen by the district conventions. The latter are subject only to the instructions given by the convention of their own district. In the case of the Democratic party, on the other hand, the instructions of the State convention are intended to bind the entire State delegation.<sup>2</sup>

Regarding the binding force of these instructions, it

<sup>1</sup> Bryce, II, 190.

<sup>2</sup> Victor Rosewater, *op. cit.*

may be said that a delegate will generally feel that it is expedient to vote according to the resolutions of the State or district convention appointing him, but he is under no legal compulsion so to do. Repeatedly in the Republican national convention delegates have disregarded instructions and have been sustained by the convention in their right to do so. Nevertheless, such instructions are usually observed. After the delegates have been chosen and instructed, something may come to light concerning the proposed nominee or some policy, which may make a violation of instructions desirable, if not necessary; but the delegates are expected to show good reasons for disregarding instructions. Inability satisfactorily to justify themselves before their constituents may result in their becoming political outcasts.<sup>1</sup>

**How  
binding  
instruc-  
tions are**

During the convention "each State delegation has its chairman, and is expected to keep together. It usually travels together to the place of meeting; takes rooms in the same hotel; has a recognized headquarters there; sits in a particular place allotted to it in the convention hall; holds meetings of its members during the progress of the convention to decide on the course which it shall from time to time take. These meetings, if the State is a large one, excite great interest, and the sharp-eared reporter prowls around them, eager to learn how the votes will go."<sup>2</sup>

Those who are chosen to serve as delegates to a national convention are usually active party men, politicians in their respective districts who give a good deal of time and attention to politics. They are fre-

**Delegates  
usually  
active  
politi-  
cians**

<sup>1</sup> Woodburn, 192.

<sup>2</sup> Bryce, II, 180.

quently able and astute managers, frequently, though not always, office-seekers. They are men whose services to the party entitle them to some distinction and recognition. The delegates-at-large are usually men of State or national reputation, the party leaders of the State, the United States senators, or men whose renown or power as speakers and managers will give the delegation weight and influence in the convention.<sup>1</sup> For example, in the Republican convention of 1900 both the temporary and permanent chairmen were senators; the four nomination speeches were made by senators; and there were seven senators on the important committee on resolutions which drafted the platform.

Scene of  
the  
conven-  
tion

The sessions of the convention are held in a mammoth auditorium, decorated with flags, bunting, pictures of candidates and dead statesmen of the party. A large amount of space is necessarily given over to the representatives of the press from all parts of the country. The delegates are seated on the main floor, with the alternates seated directly back of them. The place assigned to each State or Territorial delegation is indicated by standards bearing the name of the State or Territory. In the galleries, thousands of spectators eagerly watch the proceedings of every session. Not content with being mere passive observers of the drama before them, they often engage in prolonged cheering for various candidates, which seriously interferes with the transaction of the business of the convention. A European is astonished to see a thousand or more men prepare to transact the two most

<sup>1</sup> Woodburn, 159.

difficult pieces of business an assembly can undertake—the solemn consideration of their principles and the selection of the person they wish to place at the head of the nation—in the sight and hearing of twelve thousand or more other men and women.<sup>1</sup>

Political managers sometimes seek to “pack” the galleries with the friends of their aspirant for the nomination in order to insure a systematic and prolonged demonstration for that candidate, much after the manner of cheering sections at a great inter-collegiate foot-ball contest. Formerly it was believed that such demonstrations from the galleries had some influence upon the decision of the convention. But it is very doubtful whether in recent years such demonstrations have produced any effect upon the final result. The experienced politicians in the convention, and they are in the majority, understand that this enthusiasm is more or less factitious and manufactured for the occasion, and they discount it accordingly.

Those who direct or vote in a convention are animated by four sets of motives acting with different degrees of force on different persons. There is the wish for a particular aspirant to win. There is the wish to defeat a particular aspirant, a wish sometimes stronger than any predilection. There is the desire to get something for one's self out of the struggle, for example, by trading one's vote or influence for the prospect of a Federal office. There is the wish to find the man who, be he good or bad, friend or foe, will give the party the best chance of victory. “These

<sup>1</sup> Bryce, II, 194; see also Ostrogorski, II, pt. 5, ch. 3.

motives cross one another, get mixed, vary in relative strength from hour to hour, as the convention goes on, and new possibilities are disclosed. To forecast their joint effect on the minds of particular persons and sections of a party needs wide knowledge and eminent acuteness. To play upon them is a matter of the finest skill.”<sup>1</sup>

Conven-  
tion pro-  
ceedings

(1) *Opening Session.* The national convention remains in session for a period varying between three days and an entire week. Usually about four days answer for the transaction of all business. At the appointed hour the convention is called to order by the chairman of the national committee. The secretary reads the official call of the convention, and then prayer is offered by some clergyman, this function being assigned each day of the convention to clerical representatives of different denominations.

Selection  
of tem-  
porary  
chairman

The national chairman then names the person who has previously been selected by the national committee to serve as temporary chairman, and also announces those persons who have been selected to serve as temporary general secretary, chief assistant sergeant-at-arms, and other minor officers. Although it is in order to make other nominations from the floor for these positions, ordinarily those named by the national committee as temporary officers are accepted by the convention without objection. There are occasions, however, when, as in 1912, factional feeling runs so high that rival factions nominate opposing candidates for temporary chairman as a means of testing the comparative voting strength of the fac-

<sup>1</sup> Bryce, II, 190.

tions. The temporary chairman having been selected, a committee is appointed to escort him to the chair, and he is presented to the convention by the national chairman, who now retires from the scene. The temporary chairman then delivers a speech of some length, prepared before the convention met, in which he assails the record of the opposite party, eulogizes his own party, pleads for harmony, and endeavors to arouse enthusiasm among the assembled delegates.

It is then in order for some one to move for a roll-call of the States to name members of the four great committees of the convention: the committee on credentials, on permanent organization, on rules and order of business, and on platform and resolutions. This motion being carried, the secretary of the convention calls the roll of States in alphabetical order. As each State delegation is reached, its chairman rises and announces the members who have been selected by the delegates to represent that State on the respective committees, each State being entitled to one representative. Perhaps the more common practice is for the chairman of each delegation to furnish the secretary of the convention with a list of members selected for the different committees. With the naming of these committees the first session usually ends.

Appoint-  
ment of  
com-  
mittees

(2) *Reports of committees.* The second, and sometimes the third, session of the convention is usually devoted to receiving and considering the reports of committees. The committee on rules and order of business usually recommends the adoption of the rules of the preceding national convention and of the national House of Representatives so far as they are

Commit-  
tee re-  
ports



applicable. The committee further recommends the following order of business: report of the committee on credentials, report of the committee on permanent organization, report of the committee on platform and resolutions, the nomination of candidates for President, the nomination of candidates for Vice-President, miscellaneous motions and resolutions.

The credentials committee and contesting delegations

The convention cannot proceed to the transaction of its most important business until it is finally determined who are entitled to participate in the work of the convention. The determination of this important matter is the task of the *committee on credentials*. It often happens that two delegations from a State or congressional district appear at the convention, each claiming that it is the duly elected delegation, and therefore alone entitled to represent the State or district in the convention. Whenever such "contests" arise, the party rules require the contestants to file with the secretary of the national committee all papers or evidence bearing upon the dispute a specified number of days before the meeting of the convention. After the national committee has passed upon these contested cases it makes up the temporary roll of the convention. As soon as the convention has organized, the national secretary turns the evidence over to the chairman of the committee on credentials, and this committee forthwith proceeds, with varying degrees of thoroughness and impartiality, to conduct an investigation of its own respecting the claims of the rival delegations. At times these disputes or contests are so numerous that the business of the convention is delayed several days, as in the Republican con-

vention of 1912, although the committee may be in almost continuous session, day and night. It sometimes happens, as in 1912, that the fate of rival aspirants for the presidential nomination and of important planks in the platform depends upon the decision of these contests. Hence the hearings before the committee often become the occasion of great strife and bitterness. When the committee on credentials has finished its labors, it reports to the convention a list of those delegates who are entitled to sit in the convention and take part in its business. Ordinarily this report is accepted by the convention. Occasions have arisen, however, where a minority of the committee has presented a dissenting "minority report," opposing the seating of certain delegates, and the convention, usually after an exciting debate, has substituted this for the majority report. Compromises are sometimes attempted by seating both delegations but giving each delegate only half a vote.

*The committee on permanent organization* nominates a permanent chairman and a list of other permanent officers. These nominations are usually accepted by the convention without objection, although a contest may be precipitated, as in the case of the selection of the temporary chairman. When the report of the committee on credentials is delayed, the permanent organization may be effected before the membership of the convention is finally determined. The permanent chairman, after being escorted to the chair by a committee, makes a lengthy speech in which he endeavors to outline the issues of the ensuing campaign or to "sound a key-note" for the conven-

Perma-  
nent  
chairman.

**National  
commit-  
tee**

tion. In the Democratic convention this committee on permanent organization nominates the members of the national committee which is to serve for the ensuing four years. Each State has one representative on this committee, who is named by the delegation from that State.

**The plat-  
form**

While the foregoing matters have been occupying the attention of the convention the *committee on platform and resolutions* has been at work putting into final form the series of declarations which have been drafted by some party leader before the convention met and which, if adopted by the convention, are to constitute the party's platform for the next four years. The circumstances surrounding the drafting of the platform and the weight that is to be attached to it have already been explained.<sup>1</sup> The convention exercises its right either to accept the report of the committee without change, or to introduce very important modifications.

**Nomi-  
nating  
procedure**

(3) Having completed its organization, determined its membership, and adopted its platform, the convention is ready to take up the business of supreme interest and importance, the selection of its candidate for President. The secretary of the convention calls the roll of States, beginning with Alabama, and as each State is called the delegates from that State have the right to place a candidate in nomination. In case a State which is reached in the early part of the roll-call has no candidate to propose, it has the privilege of yielding its place to a State farther down the list, like Ohio, in order to give some member of the Ohio dele-

<sup>1</sup> See chapter II.

gation an opportunity to place in nomination a candidate from that State. The average number of nominations in a convention is seven or eight, and it rarely exceeds twelve. These nominations are accompanied by most elaborate speeches, characterized by extravagant eulogy of the claims and merits of the candidate named. The enthusiasm evoked by some examples of convention oratory has taken the form of wild demonstrations lasting over an hour and wholly interrupting the proceedings of the convention.<sup>1</sup>

After the nominating and seconding speeches are concluded, the convention settles down to the balloting. The roll of the States is again called by the secretary, and as each delegation is named its chairman rises and announces how the delegates from that State vote. His announcement may be challenged by a delegate, and thereupon the secretary proceeds to "poll" the delegation—that is, to call the roll of members from that State, each member announcing his vote as his name is called. In order to win the nomination, a candidate in the Democratic convention must receive the votes of two-thirds of the delegates, while in the Republican convention a bare majority is sufficient to nominate.

This "two-thirds rule" of the Democratic convention is closely bound up with another peculiar feature of that party's national convention, namely, the "unit rule." According to the unit rule, if the majority of a State delegation so decides, or if the State convention so directs, the entire vote of the State in the national convention is cast as a unit. Thus, in the dele-

"Two-thirds" rule and "unit" rule

<sup>1</sup> See Ostrogorski, II, pt. 5, ch. 2.

gation from New York, consisting of 90 members, there may be 46 in favor of one candidate and 44 in favor of another. By the unit rule, the 46 are able to cast the entire 90 votes of the State, in favor of their candidate. The unit rule does not obtain in the Republican convention. There each delegate may vote as he chooses and have his vote so recorded, being held responsible only to his constituents at home. The Republican convention recognizes no other political body superior to itself, and therefore will not recognize the binding force of instructions issued by the conventions which chose the delegates. The unit rule reflects the early State-rights antecedents of the Democratic party by recognizing the right of a "sovereign" State, as represented in its delegation in the convention, to determine how the entire vote of that delegation shall be cast. As long as the unit rule prevails, the two-thirds rule is also likely to remain in force, for there is a close connection between the two rules. "If the two-thirds rule be abrogated while the unit rule prevails, a few of the large States, though their delegations may be nearly equally divided, may, by enforcing the unit rule, secure a majority of the convention for a candidate whom only a minority of the delegates really favor. The two-thirds rule lessens the probability of this."<sup>1</sup>

<sup>1</sup> Woodburn, 183. The two-thirds rule was first adopted by the Democratic convention of 1832. It was used in 1836, but not in 1840. It was revived in 1844 and has since been in constant use. *Ibid.* See Dallinger, 40-43. In 1912, the Democratic national convention adopted a new rule the effect of which will be to bind to the unit rule all delegates selected by State conventions, whenever the State applies the unit rule; but delegates elected by congressional districts or in preferential primaries will not be bound by the rule.

Sometimes it happens, as in the Republican conventions of 1904 and 1908, that one candidate receives a sufficient number of votes to be nominated on the first ballot; but usually more than one ballot is necessary. In 1852 Franklin Pierce was nominated on the forty-ninth, and General Scott on the fifty-third ballot; in 1880 Garfield was nominated on the thirty-sixth ballot; and in 1912 Woodrow Wilson was nominated on the forty-sixth ballot. Such prolonged contests, however, are about as rare as the cases in which nominations are made on the first ballot.

Among the important factors in determining the selection of a candidate by the national convention the following have been noted: A candidate is desired who is likely to gain the most support and at the same time excite the least opposition within and without the party. His ability is taken into account, also the length of time he has been before the public, his oratorical gifts, his personal magnetism, his family and business connections, his face and figure, his morality and business integrity, his political record, the personal jealousies or hatreds which he has excited, and, finally, the State in which he lives. Other things being about equal, a candidate coming from a large and doubtful State is preferred to one coming from a State whose electoral vote is small or from a State which can always be relied upon to give the party a majority.<sup>1</sup>

Factors  
affecting  
the  
"avail-  
ability" of  
candidates

Whenever a candidate finally receives a number of votes sufficient to nominate, it is customary for a prominent supporter of the next highest aspirant to move to make the nomination unanimous. This done,

<sup>1</sup> Bryce, II, 187.

the convention, worn out with its long and exciting session, takes a recess until the next day. In the meantime the managers of the aspirants for the nomination for Vice-President are busily at work in the interests of their favorites.

Naming  
the vice-  
presiden-  
tial candi-  
date

Upon reconvening the following day, the convention proceeds to the nomination of its candidate for the Vice-Presidency. The method used is precisely the same as that used in nominating the presidential candidate. It seldom happens that there is a prolonged contest over the Vice-Presidency. The business is despatched as hastily as possible. It is usually considered good policy to award the nomination to a prominent representative of a faction which has been defeated in the race for the presidential nomination, as happened in the case of General Arthur in 1880. Especially is this likely to happen if such a man can be found in an important or doubtful State. When we consider that the Vice-President may be called upon to perform the duties of President, it would seem that far too little consideration is given to the choice of a fit and capable man for this position of great potential importance.

Commit-  
tees on  
notifica-  
tion

With the naming of the candidate for Vice-President, it only remains for the convention to authorize the appointment of a committee consisting of one from each State, formally to notify the presidential candidate of his nomination, and a similar committee to notify the vice-presidential candidate. The business of the convention then being at an end, it adjourns *sine die*. These committees on notification subsequently visit the nominee at his home, or meet

him at some appointed place. The chairman, or some other previously selected member, makes a formal speech notifying the candidate of the action of the convention. Thereupon the candidate delivers his "speech of acceptance." Frequently this is followed a few weeks later by a lengthy "letter of acceptance." In comparison with the platform adopted by the convention, these speeches and letters, as we have already seen,<sup>1</sup> have come to be regarded as of equal or even greater significance.

Many of the evils which characterize the convention system in connection with local and State nominations have appeared in connection with the national convention system, especially the evils associated with boss or machine domination, "trading," and the influence of Federal office-holders. Rarely has a national convention been held in which these evils have not been prominent.

**Presi-  
dential  
prefer-  
ence pri-  
mary**

The most notable effort to remedy these evils has taken the form of an extension of the principle of the direct primary by State legislation to national party machinery and presidential nominations. About one-fourth of the States have within the past five or six years extended the direct primary to cover the choice of national committeemen, or of delegates to the national convention, and the instruction of those delegates through a presidential preference vote at the primary. At the same time there is a vigorous agitation going on for the nomination of the presidential and vice-presidential candidates by the direct primary method. Such applications of the direct

<sup>1</sup> See chapter II.



primary are popularly known as the "presidential preference primary," or, simply, the "presidential primary."

Its three  
forms

The presidential primary appears in three distinct forms: (1) In two States<sup>1</sup> the selection of delegates to the national convention is made at direct primaries, instead of by the district and State conventions previously described, but without any distinct presidential preference vote. (2) In three States<sup>2</sup> provision is made for a presidential preference vote without the direct election of delegates; while (3) eight States<sup>3</sup> provide for both a presidential preference vote and the direct choice of delegates. In the last two groups of States the State delegation in the national convention is required, or at least expected, to vote for the nomination of the person receiving the highest number of votes for President in the party primary.<sup>4</sup>

Argu-  
ments in  
its favor

In addition to the arguments favorable to the direct primary for State and local nominations, it is contended in support of the presidential primary that no

<sup>1</sup> Pennsylvania and South Dakota. In Pennsylvania only the congressional district delegates are chosen by direct primary: the delegates-at-large are elected by the State convention, which is composed of delegates chosen by direct vote. Both the candidates for district delegates to the national convention and the candidates for the State convention may state on the primary ballot their presidential preference.

<sup>2</sup> Maryland, Illinois, and Michigan.

<sup>3</sup> Oregon, North Dakota, Wisconsin, New Jersey, Nebraska, California, Ohio, and Massachusetts.

<sup>4</sup> See L. E. Aylsworth in *Am. Pol. Sci. Rev.*, VI, 429 ff. (1912); the Democratic platform of 1912 (quoted in chapter II), on the presidential primary; and *The Outlook*, C, 337 (1912). At the meeting of the Republican and Democratic national committees held in December, 1911, and January, 1912, an effort was made to have each

political contest is so carefully watched and so intelligently followed in all its phases by the great mass of voters as our quadrennial presidential contests. Therefore, the people as a whole are in a position to choose between aspirants for the Presidency and Vice-Presidency even more wisely than between aspirants for minor offices. Against the presidential primary are made substantially the same objections that have been summarized in our discussion of the direct primary in connection with State and other nominations.

### QUESTIONS AND TOPICS

1. The rise and decline of the congressional caucus and other methods of nominating the President and Vice-President before 1832.

2. The debate in Congress in 1824-5 over the congressional caucus. (See *Congressional Debates*.)

3. A series of reports on presidential campaigns, beginning with 1860, including convention proceedings.

4. What do the following terms mean: "favorite son," "favorites," "dark horses," "break," "stampede," applied to national nominating conventions? Give illustrations from the Democratic and Republican conventions since 1860.

5. Specimens of early and recent convention oratory.

6. "Why Great Men Are Not Chosen Presidents." (See Bryce, I, ch. 8.)

7. What serious criticisms have been made of the national conventions as now organized and conducted?

8. What is the basis of representation in the national conventions of the Prohibitionist, Populist, and Socialist parties?

9. The origin of the "unit" rule in the Democratic committee, in its call for the national convention of 1912, direct that all delegates be chosen by the direct primary method. The final action of each committee was to make the choice of delegates by this method permissive but not mandatory, subject to the laws of the several States and to the authority of the State central committee.

vention, and the attempt to introduce it into the Republican convention of 1880.

10. The contest over the temporary chairmanship of the Republican conventions in 1884 and 1912 and in the Democratic conventions of 1896 and 1912.

11. The expulsion of members from the Democratic national committee in 1896.

12. The proceedings before the Democratic national committee in 1908 relative to the place of holding the convention of that year.

13. The debate in the Republican convention of 1908 over the proposed change in the apportionment of delegates among the States.

14. The contests over the seating of delegates in the Democratic convention of 1908.

15. The contests over the seating of delegates in the Republican convention of 1912.

16. The different ways in which delegates are influenced and manipulated by the managers at a national convention.

17. Is it true, and, if so, in what sense, that the national conventions dictate the selection of presidential electors and congressional legislation? (See Morgan.)

18. The effect of State primary election laws on the selection of delegates to the national convention.

19. Arguments for and against the choice of delegates to the national convention by direct primary method, and the nomination of President and Vice-President by the same method.

20. The anti-third term sentiment, applied to the Presidency: its origin, subsequent history, and arguments for and against.

21. Arguments for and against one term of six years for the President and his ineligibility for a second term.

22. The Democratic national convention of 1860.

23. The fight in the Republican national convention of 1912 over the temporary roll.

24. The rulings of Senator Root as temporary and as permanent chairman of the Republican convention of 1912.

25. In case of a conflict between State laws regulating the election of delegates to a national convention and the rules of the convention itself, which should prevail? For example,

the case of the California delegation to the Republican convention in 1912.

26. During his term as President, did Mr. Taft follow or abandon the so-called Roosevelt policies? (See Garfield, McVeagh.)

### BIBLIOGRAPHY

- Abbott, E. H., "The Progressive Convention" (1912), in *The Outlook*, CI, 857 (1912).
- Abbott, L. F., "The Roosevelt Campaign: A Review," in *The Outlook*, CI, 331 (1912). Preconvention campaign, 1912.
- "The Chicago Convention and the Birth of a New Party," in *The Outlook*, CI, 470 (1912).
- "The Game at Baltimore," in *The Outlook*, CI, 522 (1912). Democratic convention, 1912.
- American Year Book*, 1912. On presidential campaign.
- Aylsworth, L. E., "Presidential Primary Election Legislation of 1910-1912," in *Am. Pol. Sci. Rev.*, VI, 429 (1912).
- Beard, C. A., *American Government and Politics*, and *Readings*, ch. 9.
- Becker, Carl, "The Unit Rule in National Nominating Conventions," in *Am. Hist. Rev.*, V, 81 (1899-1900).
- Beveridge, A. J., "The Fifth Wheel in Our Government," in *Century Magazine*, LXXIX, 208 (1909). On the Vice-President.
- Bigelow, Poultney, "What I Saw at Kansas City," in *Contemporary Review*, LXXVIII, 442 (1900). On the Democratic convention of 1900.
- Bishop, J. B., *Our Political Drama* (1904). On national conventions and presidential campaigns.
- Blythe, S. G., "In Convention Assembled," in *Saturday Evening Post*, CLXXXIV, 24 (1912).
- Bourne, Jonathan, Jr., "Federal Patronage," in *Congressional Record*, February 27, 1911. Favors presidential primaries.
- Bryce, James, *The American Commonwealth*, chs. 69-70 (4th edition).
- Congressional Record* for July 24 and 31, 1912. For debate on Republican convention of 1912.

- Dallinger, F. W., *Nominations for Elective Offices in the United States*, ch. 4.
- Davis, R. H., "The Two Conventions at Chicago" (1912), in *Scribner's*, LII, 259 (1912).
- Democratic National Convention, *Official Report of the Proceedings*, 1908 and 1912.
- Dennis, A. P., "The Anomaly of Our National Conventions," in *Pol. Sci. Quar.*, XX, 185 (1905). Points out defects in the national convention system.
- Dunn, A. W., "Campaigning for the Presidential Nomination," in *Rev. of Rev.*, XLV, 427 (1912).
- Fite, E. D., *The Presidential Campaign of 1860* (1911).
- Garfield, J. R., "How President Taft Pledged Himself to Follow the Roosevelt Policies and Failed," in *The Outlook*, CI, 116 (1912).
- Halford, E. W., "General Harrison's Attitude Toward the Presidency," in *Century Magazine*, LXXXIV, 305 (1912).
- Halstead, Murat, "Our National Political Conventions," "The Convention at Minneapolis" (Republican, 1892), and "The Chicago Convention" (Democratic, 1892), in *Cosmopolitan*, XIII, 194, 507, 585 (1892).
- *Caucuses of 1860: A History of the National Political Conventions of the Current Presidential Year* (1860). By an eye-witness. The best description of these epoch-marking conventions.
- Harger, C. M., "The Democratic Convention" (1908), and "The Republican Convention" (1908), in *The Independent*, LXV, 19, 181 (1908).
- "The Two National Conventions" (1912), in *The Independent*, LXXII, 6 (1912).
- Harper's Weekly*, files of, for presidential election years, contain numerous articles and illustrations relating to national conventions since 1860.
- Hart, A. B., "Two for His Heels: A Study in Convention Ethics," in *The Outlook*, CI, 822 (1912).
- Harvey, C. M., "The Chance Drama of Conventions," in *World's Work*, XXIV, 234 (1912).
- Harvey, George, "The Unwritten Law and the 'Great Emergency,'" in *No. Am. Rev.*, CXCV, 433 (1912). Against the third term.

- Hoar, G. F., *Autobiography*, I, 388 ff. On the Republican convention of 1880.
- Holcomb, J. W., "A Presidential Preference Vote and the Electoral College," in *The Forum*, XLVIII, 681 (1912).
- Howland, H. J., "The Republican Convention," in *The Outlook*, LXXXIX, 417 (1908).
- "One Convention and Another," in *The Outlook*, CI, 476 (1912). Contrasting Republican conventions of 1908 and 1912.
- Hoxie, R. F., "The Convention of the Socialist Party" (1908), in *Jour. Pol. Econ.*, XVI, 442 (1908).
- Johnston, A., "Nominating Conventions," in Lalor, II, 1039.
- "Congressional Caucus," in Lalor, I, 355.
- Julian, G. W., "The First Republican Convention" (1856), in *Am. Hist. Rev.*, IV, 313 (1898-1899).
- Leupp, F. E., "The Dark Horse Convention," in *The Outlook*, CI, 297 (1912). Democratic convention of 1896.
- Literary Digest*, XLIV, 579 (1912), "The Hunt for Delegates." On presidential primaries in 1912.
- *Ibid.*, 1086, "The One-Term Movement."
- XLV, 87 (1912), "The Third-Party Call."
- McClure, A. K., *Our Presidents and How We Make Them* (1903).
- McVeagh, F., "How President Taft Has Followed the Roosevelt Policies," in *The Outlook*, CI, 110 (1912).
- Michigan State Library, Legislative Reference Department, *Laws of the Various States relating to Presidential Primaries*. (Pamphlet, February, 1912.)
- Moffett, S. E., "Mr. Bryan's Convention" (1908), in *Rev. of Rev.*, XXXVIII, 178 (1908).
- Morgan, J. T., "Party Conventions," in *No. Am. Rev.*, CLV, 237 (1892).
- Morrison, S. E., "The First National Nominating Convention, 1808," in *Am. Hist. Rev.*, XVII, 744 (1912).
- Morton, O. P., *Report . . . on the Mode of Electing President and Vice-President*, in *Senate Reports*, 1st session, 43d Congress, II, No. 395. Outlines a scheme for popular election.
- Nation*, The, XCIV, 556 (1912), "Defects of the Presidential Primary," of 1912.

*Nation, The*, XCV, 4 (1912), "Remodelling Conventions."  
On defects of the national convention.

Orr, Lyndon, "Famous Speeches at National Conventions,"  
in *Munsey's Magazine*, April, 1908.

Ostrogorski, M., "Rise and Fall of the Nominating Caucus,"  
in *Am. Hist. Rev.*, V, 253 (1899-1900). On the congressional caucus.

— *Democracy and the Organization of Political Parties*, II.  
(See index.)

— *Democracy and the Party System*. (See index.)

*Outlook, The*, LXXXIX, 582, 595, 645 (1908), "The Democratic National Convention at Denver," and "The Candidates and Platforms" (1908).

— C, 164 (1912), "The Presidential Primary: A Poll of the Press."

— *Ibid.*, 387, "The Presidential Primary."

— *Ibid.*, 615, "The Third Term."

— CI, 56, 102 (1912), "Presidential Primaries."

— *Ibid.*, 287, "The Campaign as a School of the People."

— *Ibid.*, 463, "A New Party."

— *Ibid.*, 517, "The Baltimore Convention" (1912).

— *Ibid.*, 528, "The Republican Convention" (1912).

— *Ibid.*, 805, "The Defense of the Republican Convention" (1912).

— *Ibid.*, 912, "The Progressive Convention" (1912).

Platt, T. C., "Reminiscences of Senator Platt," in *McClure's*, XXXV, 115 (1910). On Roosevelt's nominations.

Potts, C. S., "The Unit Rule and the Two-Thirds Rule," in *Rev. of Rev.*, XLV, 705 (1912).

— "The Convention System and the Presidential Primary," in *Rev. of Rev.*, XLV, 561 (1912).

Republican National Convention, *Official Report of the Proceedings*, 1908, and 1912.

*Review of Reviews*, XLV, 699 (1912), "Roosevelt and the Third Term."

— XLVI, 191 (1912), "The Nominating Conventions of 1912."

Rhodes, J. F., "The National Republican Conventions of 1880 and 1884," in *Scribner's*, L, 297 (1911).

Rice, W. G., "Cleveland's First Election," in *Century Magazine*, LXXXIV, 299 (1912).

- Roosevelt, Theodore, "A Naked Issue of Right and Wrong," in *The Outlook*, CI, 327 (1912).
- "The Orchestra Hall Speech" (Chicago, 1912), in *The Outlook*, CI, 479 (1912).
- "Mr. Taft's Majority: An Analysis," in *The Outlook*, CI, 520 (1912). On Mr. Taft's renomination in 1912.
- "Two Phases of the Chicago Convention," in *The Outlook*, CI, 620 (1912).
- Rosewater, Victor, "Nominating a President," in *Rev. of Rev.*, XXXVII, 331 (1908).
- "President Choosing: Old Ways and New," in *Rev. of Rev.*, XLIII, 333 (1911).
- Stanwood, Edward, *A History of the Presidency*.
- *A History of the Presidency from 1897 to 1909*.
- Taylor, C. F. (editor), *Equity*. A quarterly review devoted to the direct primary, preferential voting, the short ballot, and the initiative, referendum, and recall.
- Vale, Charles, "Is the Third Term Negligible?" in *The Forum*, XLVII, 441 (1912).
- Watterson, Henry, "The Humor and Tragedy of the Greeley Campaign, 1872," in *Century Magazine*, LXXXV, 27 (1912).
- White, A. D., "The Presidential Convention—A Blot on American Democracy." in *McClure's*, XXXIX, 719 (1912).
- Woodburn, J. A., *Political Parties and Party Problems*, chs. 10-12.
- World's Work*, The, XXIII, 260 (1912), "Presidential Primaries."
- XXIV, 257 (1912), "Shall a Third Term Be Forbidden?"
- XXIV, 365 (1912), "The Conventions as Great Shows."



# *PART THREE*

## CAMPAIGNS AND ELECTIONS

### CHAPTER IX

#### PARTY MACHINERY. NATIONAL, STATE, AND LOCAL COMMITTEES

Nominat-  
ing proc-  
ess the  
strategic  
point in  
our polit-  
ical sys-  
tem

The preceding chapters have indicated the most important methods by which political parties present to the voters their candidates for various local, State, and national offices. Although the nominating process is but a preliminary, an incident in the realization of the ultimate aim of a political party, the control of the government, it is in reality the strategic position in our whole political system. This the machine politicians fully realize. But the average citizen and also the political reformer too often neglect these all-important preliminaries to a political contest. They seem to forget that the character of the elected officials really depends upon the character of the nominations, and that in many States and cities a nomination by one party is equivalent to election.

Between the completion of the nominations and the day of election each political party engages in a contest or "campaign," to enlist the majority of voters in support of its candidates. In the prosecution of campaigns, each party relies upon a more or less elab-

orate organization, resorts to a great variety of methods to enlist public interest and support, and is compelled to raise and expend large sums of money. Party organizations or machinery and the conduct of campaigns are most clearly seen in a year in which a presidential election occurs, for in such years the campaign is prosecuted with the greatest vigor in every State, county, city, and rural district, and with maximum efficiency. The work done in State and local campaigns in other years does not differ essentially from that done in the presidential campaign. The difference is chiefly one of degree and not of kind. State and local campaigns are usually less expensive, less exciting, less spectacular, and involve less elaborate organization. The description of campaign work which follows will, therefore, be based upon conditions existing in a presidential election year. A presidential campaign is carried on simultaneously with the campaign for the election of representatives in Congress, and very often for the election of governor or other important State officers, of members of the State legislature, and of local officers as well.

**Party machinery of presidential campaigns typical of State and local campaigns**

The public has a very exaggerated idea of the part which conspiracy, cunning, and corruption play in the conduct of a campaign. A certain amount of shrewdness is called for in efforts to out-manœuvre the opposing party, and corruption is present in all too great a measure in probably every warmly contested campaign. But it is the work of organization that after all is the essential thing in most campaigns. "This implies no phenomenal capacity for devising expedients of more or less doubtful morality, but rather a

**Thorough organization of prime importance**

knowledge of men in all parts of the country and a capacity to do big things in a big way.”<sup>1</sup> In most recent national campaigns the two great parties have had such a thorough organization that those in charge of the campaign have been able to keep in direct touch and communication with any city ward or rural district of the remotest town in the Union.

*The organization or machinery* through which the great national parties strive to carry elections takes the form of a great net-work of committees extending over the entire country and ramifying into every community no matter how obscure.

The national committee

(1) First in importance among these committees is the *national committee* of each party, consisting, in the case of the Democratic and Republican parties, of one member from each State and Territory, chosen in the national convention. The national committee first appeared in the Democratic party in 1848, and was originally designed only as a temporary agency of party activity. But since the close of the Civil War the importance and influence of the national committee has steadily increased, until now it is an important political force from year to year and not merely through a presidential campaign. In theory the national committee represents the whole party constituency of the country. Its members are usually keen observers of the trend of political sentiment in their respective States and often find themselves in a position to smooth over dissensions within the party and thus to promote harmony. They are selected for their known or assumed interest in party affairs.

<sup>1</sup> W. J. Abbott, in *Rev. of Rev.*, XXII, 556 (1900).

"They are in a position to render many services to the President, the cabinet, and the members of Congress; more especially in promoting mutual understanding and sympathy between these high officers and the rank and file of the party in the States. They may also actively assist both in discovering and determining the will of the party and of the country."<sup>1</sup>

(2) For the more efficient performance of the arduous work of a campaign, the national committee is usually divided into a number of *sub-committees*, including an executive committee, a finance committee, a committee in charge of the bureau of speakers, a committee in charge of literary and press matters, and a committee in charge of the distribution of public documents.

Its sub-  
commit-  
tees

At the head of the national committee is the *national chairman*, who may or may not be a member of the committee. He is so important a functionary in the conduct of the campaign as to call for special consideration. Nominally he is chosen by the national committee, but in reality he is selected by the presidential candidate. He is the campaign manager, "the captain of the forces, the commander-in-chief, the head master of the machine." The position calls for a political manager of the first rank, energetic, forceful, skilful, and astute. He must be a master of details, and at the same time capable of taking a correct view of the general situation, and endowed with an unlimited capacity for hard work. He must possess

The na-  
tional  
chairman  
a skilful  
politician  
and an  
efficient  
executive

<sup>1</sup> Jesse Macy, *Party Organization and Machinery*, 69. See Democratic platform of 1912, quoted in chapter II, for the new method of choosing national committeemen.

the confidence of party leaders and have an almost intuitive grasp of the popular feeling. He must keep in touch with every fibre of the organization, holding frequent conferences with State chairmen in the most important and doubtful States. He must be capable of arousing in them a degree of enthusiasm which shall radiate to all the county and local committees. Such conferences enable him to know where the weak spots are and why they are weak, and what can best be done to strengthen them. A national chairman will ordinarily classify the States in three divisions: doubtful, with chances favoring his candidate; doubtful, with chances favoring the opposing candidate; and those States absolutely certain either for the Republicans or Democrats. The chairman gives the last class scant attention, concentrating his efforts in the main upon the first two classes.<sup>1</sup> Perhaps the severest test to which the national chairman is subjected lies in determining which States may be considered safe without extra effort, which States need the concentration of party energy, and in meeting unexpected issues or developments as they arise. He must ascertain just where money may be advantageously spent in hiring men and vehicles to make sure of getting voters to the polls. It may happen, as it has happened, that a State conceded to the other party can be won by properly directed efforts. It not infrequently happens that a close State is carried by a party on account of the greater perfection of its machinery for getting out the vote. Among other qualities essential to a successful national chairman the following may be noted: cool-

<sup>1</sup> W. J. Abbott, *op. cit.*

headedness, tact, patience, resourcefulness, and decision. He must be conciliatory, secretive yet approachable, keen in his choice of helpers, able to command the services of the most effective workers in the party, and capable of making them work in unison and without overlapping.

The early functions of the national chairman were very modest in comparison with his present functions and influence.<sup>1</sup> Until recently most people could not have told who was the national chairman of their party. The office was regarded only "as a passing instrumentality of the party in a presidential campaign." With the campaign of 1884 the national chairman suddenly came into great prominence and has since remained one of the most potent party officials. This was partly due to the party revolution of that year in the election of Mr. Cleveland, and to the personality of the Democratic national chairman, Senator A. P. Gorman, of Maryland.

In his capacity as chief manager of a national campaign, the national chairman has the control of vast sums of money forming the party campaign fund. He collects much of this money and issues orders for its disbursement. With many of the collections goes an express or tacit party obligation of which he alone is fully cognizant and which it is his peculiar duty to see carried out. "Money is power in politics as everywhere else. A chairman who may determine how much is to be allotted to this State, that congressional district, this city, and the other county, becomes inevi-

Importance of national chairman due to control of campaign funds and Federal patronage

<sup>1</sup> The description in the text is largely a condensation of an article by Rollo Ogden in *Atlantic Monthly*, LXXXIX, 76 (1902).

tably the master of many political legions. There is no need of a hard-and-fast understanding between giver and recipient—least of all, any corrupt bargain. Common gratitude and the expectation of similar favors to come are enough to bind fast the nominee for Congress, the candidate for a senatorship, or the member of the national committee for any given State, a large part of whose campaign expenses has been kindly paid for him from headquarters.”

Furthermore, it cannot be doubted that a successful presidential candidate owes his election in no small measure to the efforts and efficiency of the national chairman. Naturally, therefore, Presidents have felt moved by gratitude and party considerations often to place an enormous amount of patronage in the form of appointments at the disposal of the chairman, who uses it to reward campaign services and to fulfil campaign promises. Notable instances of great political influence thus exercised by successful national chairmen are the cases of Senator Gorman of the Democratic party during Cleveland’s administrations, and Senator Hanna of the Republican party under McKinley. Even the national chairman of a defeated party enjoys a large measure of political power due solely to his position as head of the party organization.

Secretary  
of national  
committee  
second in  
importance  
only to  
chairman

Closely associated with the national chairman is the *secretary of the national committee*. While subordinate in determining the policy of the committee, he is one of the most effective factors in a campaign. “The chairman may visit different parts of the country, and may make campaign speeches; but the secre-

tary is the constant executive worker and director at headquarters, and no man in the country is more familiar with the details of actual campaign work than he. He is an able business manager, he occupies a position of first-rate importance, and he probably knows more of the actual forces in practical politics than any other man in the country."<sup>1</sup>

(3) Congressmen are chosen at every presidential election and midway between. Therefore, existing independently of the national committee is the *congressional campaign committee*, with headquarters in Washington, which devotes itself to the work of securing the election to Congress of as many candidates as possible who bear the party label. On the opening of the presidential campaign the congressional committee places all its resources at the disposal of the national committee, and becomes its close ally, foregoing its own initiative even in what concerns the congressional elections. This is due to the fact that in the "presidential year" all the congressional elections follow the fortunes of the contest for the Presidency. But in "off years," this committee intervenes actively in the congressional campaign.<sup>2</sup> It is then in entire charge of the campaign for the election of congressmen, relying of course upon the co-operation of State and local committees. It distributes political literature, maintains a bureau of campaign speakers, raises and distributes money in considerable sums, giving special attention to doubtful districts. It often interposes to smooth out local differences. In the interval between elections it keeps in more or less close touch

Congressional campaign committee looks after election of congressmen

<sup>1</sup> J. A. Woodburn, *Political Parties*, 199.

<sup>2</sup> Ostrogorski, II, 285.



with the congressional district committees of the different States, endeavoring to strengthen in every way possible the party organization.

Composition of Republican and Democratic congressional campaign committees

The Republican congressional campaign committee is chosen by a joint caucus of Republican senators and representatives in Congress for the time being. Each State is represented by one member on the committee. When a State happens to have no Republican senator or representative, it is left unrepresented. Senators are sometimes members of this committee, although as a rule the committee consists wholly of members of the House.<sup>1</sup>

The Democratic congressional campaign committee is differently constituted. The members are chosen from both the Senate and the House by separate caucuses. The Senate has nine members, and each State or Territory represented in the House has a member. If a State is unrepresented, some prominent member of the party from that State is elected to serve on the committee. This makes the Democratic committee considerably larger than the Republican committee.<sup>2</sup>

The State central committee

(4) Below these committees whose field of action is nation-wide, and working in harmony with them, are the *State committees* or *State central committees*, which are directly in charge of the campaigns in their respective States. The greater part of the work performed by the national committee and the congressional campaign committee is of a temporary nature. After the close of the campaign the national committee continues to exist, but it falls into a state of

<sup>1</sup> Jesse Macy, *op. cit.*, 90.

<sup>2</sup> *Ibid.*, 91.

"suspended animation," to revive at the expiration of three years on the approach of the next national convention. The same is only less true of the congressional campaign committee; but not of the State committees and the local committees which work under their direction or supervision. These may be regarded as the permanent parts of the party machinery: they constitute *the normal party organization*.

The composition and powers of the State central committees vary greatly from State to State.<sup>1</sup> In the majority of States, the State committee is made up of representatives either from the different congressional districts of the State or from the counties. In some cases, however, the members are chosen by a mixed system in which the county, legislative, and congressional districts form the basis of representation. The number of members from each unit represented also varies greatly and consequently there is no uniformity in the size of these committees. At least five such committees have one hundred or more members. Usually the number from each unit is determined by geographical rather than numerical considerations.

Its composition

The members of these State committees serve for periods varying in different States from one to four years. They are usually chosen by the delegates to the State convention. The delegates in this convention from each area represented on the committee hold a caucus and choose their quota of members, such choice being usually, though not invariably, final. Of

<sup>1</sup> This description of State central committees is largely a condensation of an article by Professor Merriam in *Pol. Sci. Quar.*, XIX, 224 (1904).

course in States where the convention system has been abolished, as in Wisconsin, some other method is employed. Vacancies arising in the State committee are generally filled by the remaining members, although frequently this is done by the local committees.

State  
chairman  
nominal  
head of  
State  
party or-  
ganiza-  
tion

The officers of the State central committee consist of a chairman, a secretary—generally the most important officer—a treasurer, and sometimes a vice-chairman and a sergeant-at-arms. These officers are usually elected by the committee itself. They need not be, and frequently are not, members of the committee. The chairman of the State committee is the nominal head of the party organization in the State. He may or may not be a dominant leader in the party. "Often he is merely a figure-head who obeys the orders of leaders, bosses, or powerful private persons who dictate party policies and use him as a screen." Sometimes the State chairman is a United States senator or a high State official.<sup>1</sup> In most States there are subcommittees, of which the most important is the executive or campaign committee, consisting of from three to nine members. This committee is the most active part of the State party organization. Frequently there is also maintained a speakers' bureau or a literature bureau, or both.

Influence  
of State  
com-  
mittee on  
nomina-  
tions

The powers or duties of the State committee are seldom defined either in writing or by tradition. The committee usually determines the time and place of holding the State convention, fixes the ratio of representation therein, issues the call, and sometimes makes up the temporary roll of the convention. In

<sup>1</sup> Beard, 657.

not a few States the committee has come to represent a more or less powerful faction or personal following which exerts year after year a powerful influence in the choice of delegates to the convention, in shaping the work of the convention and even in determining what persons shall or shall not be placed in nomination by the convention. "To the ambitious aspirant for party authority, the State central committee is a point of great strategic importance, and many a bitter fight has been waged for its control."

Upon the adjournment of the State convention, the State committee assumes charge of the campaign and exercises general supervision over it. In fact the most important, at least the most conspicuous, duties of this committee centre in the conduct of the campaign. "Given the candidates and the platform, it is the function of the State committee to see that these particular persons and principles are endorsed by the voters of the State, or at least that the full party strength is polled for them." It raises funds and distributes them at its discretion. It prepares and sends out literature and assigns speakers to different places. In the presidential campaign it constantly co-operates with the national committee. It must also keep in constant touch with the county and local committees, and in some cases it exercises great authority over them.

**Chief  
function  
the man-  
agement  
of cam-  
paigns**

(5) In addition to the committees already described, every national or State campaign brings into active operation a host of *local committees* concerned with the campaign in smaller areas. In every congressional, senatorial, or assembly district there is a congressional, senatorial, or assembly district com-

**Local  
commit-  
tees with  
important  
functions**

mittee; in every county, a county committee; in every township or borough, a township or borough committee; in every large city, a city committee; while every ward or voting precinct has its committee. All of these co-operate with the national, congressional, and State committees, obeying their instructions and looking after a multitude of details. They are expected, for example, to raise money for use in their own districts, to employ speakers whenever possible, to distribute literature furnished by the national or State committee, call primaries, conventions, and meetings of local party workers, to organize and direct "rallies" and demonstrations, to instruct the voters about the formalities connected with registration, the location of voting-places, and the form of the ballot. They look after the naturalization of aliens and appoint party watchers to serve at the polls on election days. Above all, as the day of election approaches, they are expected to arrange for a thorough canvass of the voters to ascertain if possible the number that can be relied upon to support the ticket, those who are wavering, and those whose politics are unknown.

The canvasses of individual voters alluded to in the last paragraph are, in many places, conducted with the utmost thoroughness during a presidential campaign. Ordinarily there are two such canvasses. One occurs in September and the last is completed about two weeks before the election, and furnishes the hints for the disposition of party resources at the last hour. In doubtful or close States there are frequently three canvasses, at ninety, sixty, and thirty days respectively before election. During these canvasses special party

workers scour the country taking down a quantity of details about the doubtful or wavering voters, usually quite unknown to them. For example, the voter's race, religion, business, circle of acquaintances, his pecuniary position, names of persons to whom he owes money or to whom he is under any kind of obligation are all carefully noted. The local committees, under whose direction much of this canvassing is conducted, report at frequent intervals to the State committee which in turn reports to the national chairman, and in that way the national chairman and his staff are kept constantly in touch with the conditions all over the country as they vary from week to week.<sup>1</sup>

The methods by which these various local committees are constituted and the rules by which they are governed vary so greatly from State to State, and often in different parts of the same State, that it is unsafe to attempt to formulate any general rule. Each student and voter should diligently inform himself regarding the constitution and functions of these smaller committees in his own State. Correspondence with party officials will generally produce the information desired which often cannot be obtained from printed sources. In large cities like New York and Philadelphia, each party has a more or less detailed body of printed rules, copies of which can generally be obtained of the secretary or chairman for the asking. A thorough knowledge of the constitution and methods of these local committees is essential to a thorough

A study of  
local  
commit-  
tees of  
prime im-  
portance

<sup>1</sup> Ostrogorski, II, 306, and Woodburn, 203. For a set of instructions issued by a State committee to the party workers throughout the State, see Woodburn, 211-212.

understanding of practical politics. For, as we have seen, although these different State and local committees were originally created to conduct a campaign after nominations had been made by the rank and file of the party, they have now come to exercise in many localities an enormous influence in determining nominations through their control of primaries and conventions. So great has this power of State and local committees become in many parts of the country that they are often designated in common speech as "the organization," or "the machine."

In theory, committees are servants of the party, but in practice irresponsible masters

Party committees, like other committees, are subordinate bodies, and should be the servants, not the masters, of those who created them. They should in a very positive sense represent the body of voters from whom they derive their authority, and there should be some means by which they may be held accountable for the satisfactory performance of their duties. In practice, however, it has too often come to be the case that party committees are irresponsible bodies, representing the worst and most unscrupulous elements of a party, instead of its best and most trusted elements. The secrecy and the irresponsibility that surround the activities of most political committees form a very objectionable feature of their work, since therein lurk the various kinds of political corruption which have become so notorious.<sup>1</sup>

A certain degree of responsibility and popular control has been introduced by many of the laws which require publicity of campaign expenditures by political committees, and also by means of the direct pri-

<sup>1</sup> Herbert Welsh, in *The Forum*, XIV, 26 (1892).

mary. In a number of States provision is made for the election of some, if not all, party committees by a direct vote of the party membership at the direct primary election. This affords an opportunity for the better element of a party to gain control of some portions, at least, of the party machinery, though it may be doubted whether very much has yet been achieved in this direction. The suggestion of Governor Hughes, of New York, already explained,<sup>1</sup> would tend to secure a much greater degree of responsibility on the part of those in control of the party organization.

The efficiency of all this party machinery varies greatly. Political conditions in a doubtful State, like Indiana and New York, tend to the most complete development of the party "machine" and to keep it at its maximum efficiency and always in good working order. Sometimes, however, where one party is overwhelmingly in control of the State or municipality, as in Pennsylvania and New York City, other causes serve to maintain year after year a party organization which is at once the admiration and despair of its opponents, especially the reformers.

(6) This elaborate and nation-wide party organization has been likened to a great army in which the national chairman corresponds to the commander-in-chief, the national committee, the congressional campaign committee, the State committee, the county and district committees and the township committees roughly correspond to the commanders of corps, divisions, brigades, regiments, and companies. Below this great body of party officials, estimated at

Party organization like an army with its officers and privates

<sup>1</sup> See chapter VI.



about fifty thousand, is *the vast army of privates*, numbering perhaps a million.<sup>1</sup> These are *the active party workers* representing the party organization in the precinct, ward or election district, whatever the lowest political subdivision in the State may happen to be—the unit where the polling place is located. Here it is that the party workers come into immediate contact with the voters; here it is also that public opinion may be organized to bring pressure to bear upon the party machinery. It is of fundamental importance, therefore, that the party should have in each precinct, ward or election district, as the case may be, at least one loyal and tried worker,<sup>2</sup> personally acquainted with a large number of the voters and trained in the art and the science of winning votes. If this party worker, in the lowest political subdivision, represents the interests and aspirations of the party voters in his district, we have a truly representative party organization. Too often, however, these workers are in the pay of party officials higher up, and seek to carry out their orders regardless of public opinion and the public interest.<sup>3</sup>

In 1900  
Democrats  
added a  
new fea-  
ture to  
party or-  
ganiza-  
tion

In concluding this description of party machinery, brief mention should be made of a new practice instituted in the presidential campaign of 1900 by the chairman of the Democratic national committee. This innovation consisted in the selection of a special representative of the national committee in every election precinct in the United States. So comprehensive

<sup>1</sup> Ostrogorski's *Democracy and the Party System*, 164.

<sup>2</sup> Usually called, in great cities, the district captain.

<sup>3</sup> Beard, 663.

an organization could not be completed during a single campaign, but the doubtful States in 1900 were fairly well covered with such official representatives of the national committee. It was found that they could deliver campaign documents and make canvasses of voters more effectively than the county and local committees. The supervision and organization of such a vast body of workers of course imposes a heavy additional burden upon the national chairman; but when effectively done it will mark an important step toward the perfecting of the national organization of the great parties.<sup>1</sup>

### QUESTIONS AND TOPICS

1. How are the national committees of the Prohibitionist, Populist and Socialist parties constituted?

2. The political influence wielded by Senator Hanna as chairman of the Republican national committee, and Senator Gorman as chairman of the Democratic national committee. (See Ogden, Croly.)

3. Frank H. Hitchcock as chairman of the Republican national committee in 1908.

4. Thurlow Weed as a campaign manager. (See Weed's *Autobiography*.)

5. A description of the Republican and Democratic organization in (a) a typical Republican State, *e.g.*, Pennsylvania; in (b) a typical Democratic State, *e.g.*, Missouri; and in (c) a typical doubtful State, *e.g.*, Indiana or New York.

6. How are the State central committees in your own State constituted? How are vacancies filled? What powers do these committees exercise?

7. How are the State committees chosen in States where the convention system has been abolished?

8. How are the various party committees below the State central committee constituted in your own State?

<sup>1</sup> W. J. Abbott, *op. cit.*

9. The composition of and the work done by the Democratic and Republican committees in large cities, like Boston, New York, Philadelphia, Baltimore, New Orleans, Chicago, and San Francisco.

10. What are the qualifications and duties of an election district captain in our large cities? (See Beard, 665 ff.)

11. Under what circumstances have national committees assumed the right to expel members of the committee? (See Woodburn.)

12. Party organization before the Revolution—the committees of correspondence.

13. The organization of the Federalist and Republican parties, 1789–1816.

14. The prominent part taken by the Republican national committee in connection with the national convention of 1912.

## BIBLIOGRAPHY

- Beard, C. A., *American Government and Politics*, and *Readings*, ch. 30.
- Becker, Carl, "Growth of Revolutionary Parties and Methods in New York Province, 1765–74," in *Am. Hist. Rev.*, VI, 56 (1901–2).
- Century Magazine*, LXXXIV, 677 (1912), "The Hard-Cider Campaign of 1840." Illustrations only.
- Collins, E. D., "Committees of Correspondence of the American Revolution," in *Am. Hist. Assn. Report*, I, 243 (1901).
- Croly, Herbert, *Marcus Alonzo Hanna* (1912).
- Ford, H. J., *The Rise and Growth of American Politics*, ch. 23.
- Libby, O. G., "A Sketch of the Early Political Parties in the United States," in *Quarterly Journal*, University of North Dakota, II, No. 3 (1912).
- Macy, Jesse, *Party Organization and Machinery*.
- Merriam, C. E., "State Central Committees," in *Pol. Sci. Quar.*, XIX, 224 (1904).
- Munro, W. B., *Government of American Cities* (1912), ch. 7.
- Ogden, Rollo, "The New Powers of the National Committee," in *Atlantic Monthly*, LXXXIX, 76 (1902).
- Ostrogorski, M., *Democracy and the Organization of Political Parties*, II, pt. 5, ch. 4.
- *Democracy and the Party System*.

- Parsons, Herbert, "Why a Political Party Needs Money," in *The Outlook*, XCVI, 351 (1910). On the work of the New York County Republican committee.
- Review of Reviews*, XIV, 421 (1896), "The Three Strategic Chiefs of the Presidential Campaign."
- Smith, Snell, "Chairman Frank Harris Hitchcock," in *Rev. of Rev.*, XXXVIII, 439 (1908).
- Trowbridge, J. R., "The Political Machine," in *Yale Review*, XIII, 287 (1904).
- Welsh, Herbert, "Campaign Committees: Publicity as a Cure for Corruption," in *The Forum*, XIV, 26 (1892).
- White, W. A., "Hanna," in *McClure's*, XVI, 57 (1900). Sketch of Mark Hanna's political career and methods.
- Woodburn, J. A., *Political Parties and Party Problems*.

## CHAPTER X

### CAMPAIGN METHODS

**Purpose  
of party  
machinery**

So far as a specific campaign is concerned, the elaborate party organization or machinery described in the preceding chapter exists for the purpose of (1) instructing the voters respecting the issues of the campaign, the principles and policies of the party, the merits of the candidates, and the misdeeds and weaknesses of opposing parties; (2) of arousing the enthusiasm of the rank and file of the party and quickening the loyalty of the wavering; (3) of attracting the increasingly large class of independent voters to the support of the party ticket; (4) of making thorough canvasses of the voters before the day of election in order to ascertain the drift of political sentiment; and (5) of seeing that the full party vote is polled and recorded on the day of election.

**Campaign  
methods  
which ap-  
peal to  
emotions  
include  
mass-  
meetings  
or "ral-  
lies"**

In the attainment of these results the various campaign committees employ a great variety of means which, for convenience, may be considered in two main groups: those agencies or methods designed primarily to stir the emotions of the voters; and those agencies or methods which are directed chiefly to the intelligence of the voters. Among methods coming in the first group are (1) thousands of *mass-meetings* of the voters, held in every presidential campaign. These meetings are of all sorts and sizes, and are held in all

kinds of places. They vary in size from a few score of persons on a street corner to thousands in a great auditorium or at a State or county fair. Similar meetings, though less frequent and as a rule less well attended, are also held in the "off years."

Oftentimes State or county "rallies" are held. These are mass-meetings of voters from all over the State or county, held sometimes in a huge tent, at other times in some large park or at a county fair, and usually preceded by a big parade or followed by a torch-light procession in the evening. Mass-meetings and rallies are seldom attended by members of other parties than the one which organizes them, although outsiders are always welcomed. The object of American political meetings is not so much to instruct and to convert those who attend as it is to strengthen the party members in the party creed and to arouse enthusiasm. These political meetings are addressed by several speakers, who are often men of national reputation as orators. The arrangements for such political meetings are always made by the State or local committees concerned. The speakers, or "spellbinders," at all the larger gatherings are usually provided by the State committee or by the speakers' bureau of the national committee.

(2) *The work of the speakers' bureau* in selecting, coaching, and assigning speakers is of very great importance in every national and in many State campaigns. In some campaigns as many as five thousand persons have applied for positions as campaign speakers, although only a comparatively small number were finally employed. In the campaign of 1900

**"Stamp"  
speakers,  
or "spell-  
binders"**

the Republicans employed about six hundred speakers. United States senators, congressmen, governors, ex-Presidents, members of the cabinet, lawyers, journalists, business men who can talk well in public, sometimes clergymen, and the presidential and vice-presidential candidates themselves are to be found in the list of speakers. They are sent from State to State, and may or may not be paid for their services. Some have been paid as high as \$100 a night and expenses. The most important speakers are assigned, paid, and have their itinerary planned by the speakers' bureau, while speakers of less note are selected, assigned, and perhaps paid by the State or local committees. Those in charge of this part of a campaign must exercise great care and discrimination in making these assignments: funny men must not be sent to audiences requiring reasoners; while the foreign-speaking element must be provided, if possible, with speakers who can address them in their own tongue. Fifty Germans, 25 Swedes, 25 Norwegians, 10 Poles, 10 Italians, 5 Frenchmen, and 6 Finns were employed as speakers by the Republicans in 1900. Use is also made of good workshop or factory talkers to address their fellow-employees, and sometimes "fake" debates among wage-earners are gotten up.<sup>1</sup>

Cam-  
paign  
clubs

(3) Another common agency for rousing party enthusiasm is the formation of temporary associations of citizens who in ordinary times pay little or no attention to politics. These associations are known as *campaign clubs*. The members meet, perhaps every

<sup>1</sup> Edward Lissner in *Harper's Weekly*, XLVIII, pt. 2, p. 1315 (1904).

evening during the campaign, and listen to speeches which glorify their candidates. They sing political songs, absorb enthusiasm for the party ticket, and diffuse this enthusiasm around them in the club and outside. Generally these clubs are formed in each locality soon after the national convention has adjourned, and they are most active in September and October of presidential-election years. In towns of considerable size one finds a large number of such clubs in each of the great parties; while in great cities such clubs frequently maintain a continuous existence from year to year. One is apt to find a Republican and a Democratic commercial travellers' club, a lawyers' club, a merchants' club, a railroad employees' club, workingmen's clubs, often one in each large factory, clubs of colored men, and clubs composed solely of Irish, Jewish, Polish, French, German, or other foreign-born voters. Not infrequently these clubs have a sort of military organization, the members wearing uniforms and calling themselves "marching clubs." This kind appeals with special force to the younger voters. In 1892 the Republicans began to organize clubs among students in the colleges and universities, and a federation of such clubs was formed the same year called the American Republican College League. Four years later the Democratic party instituted similar clubs.<sup>1</sup> A serious effort was made by the Republican party, beginning in 1888, to weld all these temporary campaign clubs, described above, into a permanent federation known as the Republican National League. This was soon followed by the organization of the Na-

<sup>1</sup> Ostrogorski, II, 290 ff.



tional Association of Democratic Clubs. Although the total enrolment of these two leagues has at times been as high as two million, representing from two to four thousand different clubs, most of the clubs have after the campaign only a nominal existence. Hardly one club in a hundred has premises of its own; generally they hire a room for the occasion, and their meetings in non-presidential years are infrequent. During the campaign, however, they are very active. It has been estimated that between a million and a half and two million voters are then enrolled in one club or another, or, in other words, that about one in every four or five voters is identified with some political organization, temporary or permanent.<sup>1</sup>

Miscellaneous  
devices

(4) Other devices for arousing the interest and enthusiasm of the voters take the form of parades or torch-light processions, picnics or barbecues, accompanied by athletic contests, and even dances and dramatic performances are sometimes employed. Political emblems, such as badges, banners, or flags bearing the names or likenesses of the leading party candidates, are also very common. Bets on the success of the party in the coming election are resorted to and widely advertised by political committees with the expectation of influencing certain classes of voters. National committees have been known to provide large sums for bets with a view to influencing doubtful States. "Charges" or "campaign lies," consisting of more or less libellous accusations brought against prominent candidates of the opposing party, appear in almost every campaign, national and State. Such

<sup>1</sup> *Ibid.*, 289.

personal attacks create something of a sensation for the moment, especially among the readers of the more unscrupulous newspapers, and have even been known seriously to affect elections. Campaign managers are also fond of putting forth extravagant "claims" or pre-election estimates respecting the probable size of the party majority. Some voters, especially those who desire above all things to be on the winning side, may be influenced by such predictions. Where these claims are based upon careful and exhaustive canvasses of the voters for a large area some reliance may be placed upon them; but ordinarily they are not to be taken seriously. Where important economic issues have been prominent, employers have been known to attempt to influence the votes of their employees by placing slips inside of their pay envelopes urging them to support a certain party; or such efforts may take the form of threats, open or veiled, to reduce wages or to close the shops if the other party wins.

Campaigns in which party managers resort to every available device to rouse the interest and enthusiasm of the voters are sometimes called "hoopla" or "hurrah" campaigns. There are campaigns, however, when it is deemed better policy to dispense with this noisy "Chinese business," as it has been called, and to pursue instead a "still hunt," or "gum-shoe" campaign in which the voters are reached and influenced by quiet personal interviews and a house-to-house canvass. A minority party will adopt these tactics occasionally in the hope of inducing in the managers of the other party a feeling of false security and

"Hoopla"  
and  
"gum-  
shoe"  
campaigns

over-confidence, owing to which they may neglect to see that the full party vote is registered and polled. Consequently when the day of election arrives an unpleasant surprise may be in store for the usually victorious party.<sup>1</sup>

Methods  
appealing  
to the in-  
telli-  
gence  
include  
campaign  
docu-  
ments

The agencies designed primarily to appeal to the reason and intelligence of the voters fall into two main classes—*campaign documents* and the *newspapers*. (1) *Campaign documents* assume a great variety of forms, and vary in size from a one-page dodger or small card to a volume of two or three hundred pages. Each party in a presidential campaign issues its *campaign text-book*, a volume filled with all kinds of political information likely to prove useful to campaign speakers and other prominent party workers. These text-books are not for general distribution, but copies may be obtained by the public for a small sum. In some of the large States a similar volume is compiled and published by the State committee for use in important State campaigns. Each presidential campaign also produces a crop of *campaign biographies* of the party candidates for President and Vice-President, sold at popular prices. These biographies are prepared for partisan purposes, and of course are not always accurate in their statements of fact regarding the public life of candidates. *Speeches* of representatives and senators in Congress are widely circulated during every presidential and congressional campaign. *Posters*, especially pictorial ones, are peculiarly effective with voters who will not take the time, or have not the interest or ability, to read other campaign

<sup>1</sup> Woodburn, 207.

documents. In 1896 the Republicans circulated some five hundred different kinds of posters.

The State of Oregon has recently inaugurated a novel scheme for educating the public regarding the merits of different candidates and the policies and principles for which they stand. Before every *primary* election a "publicity pamphlet" is prepared under the supervision of the secretary of state, in which all candidates for nomination to State and Federal offices may publish a statement of their qualifications and the principles or policies which they advocate or favor, or anything else in support of their candidacy. Each candidate is required to pay for at least one page in the publicity pamphlet. Additional pages may be had for \$100 a page, but no candidate may use more than four pages in all. At the same rates, space in the pamphlet may also be used *against* any candidate if this matter is first submitted to the candidate opposed and signed by the author, subject, of course, to the ordinary law of libel. One copy of this pamphlet is mailed by the secretary of state at State expense to every registered voter. Similar pamphlets relating to candidates for the county offices are issued by the county clerks and mailed to each voter in the county at the expense of the county. The pamphlets must be mailed at least eight days before the primary elections. The charges per page vary from \$10 for candidates for the minor offices to \$100 for candidates for the highest offices.<sup>1</sup>

The Oregon "publicity pamphlet"

Again, before the regular *election* party officers or the executive committee of a party may submit to

<sup>1</sup> Jonathan Bourne, Jr., in *The Outlook*, XCVI, 321 ff. (1910).

the secretary of state portrait cuts of candidates and typewritten statements and arguments for the success of the party's principles and the election of its candidates; also statements opposing or attacking the principles or candidates of all other parties. The same privilege is extended to all independent candidates. These statements are printed in another publicity pamphlet, which is mailed at public expense to the voters not later than the tenth day before the election. No party may use more than twenty-four pages in this pamphlet. The charge is \$50 per page.<sup>1</sup> There is much in this new method to commend itself to the people of other States, both as a means of educating the voters and also as a means of placing the poor candidate on more nearly an equal footing with the rich candidate so far as concerns ability to bring his claims directly to the consideration of the people. Recently the Oregon publicity pamphlet has been adopted in Indiana, North Dakota and Wyoming.<sup>2</sup>

The total output of campaign documents in a presidential year is enormous. In the campaign of 1900, for example, the Democrats published 158 different documents and distributed over twenty-five million copies, and the Republican party probably surpassed this record. In that year eight million copies of one of Mr. Bryan's speeches were printed in eleven different languages, and seven million copies of Mr. McKinley's letter of acceptance were distributed. In one day four and a half million copies of a single speech were sent out from the Republican headquarters in Chicago, and over three tons of other documents were

<sup>1</sup> *Ibid.*

<sup>2</sup> 1911.

shipped on the same day. These documents are usually sent out by the press bureau of the national committee to the State committees and distributed by them to the subordinate committees.<sup>1</sup>

(2) Extensive use has been made in recent years of *newspapers*, especially newspapers circulating in small towns and rural districts. Press bureaus at State and national headquarters prepare copy for these newspapers in the form of telegraphic despatches, editorials, correspondence, etc., and often buy space for political advertisements. Thousands of country newspapers are supplied, free of charge, with patent "insides," or "plate" matter, relating to campaign issues or the candidates. Such newspapers will be furnished with a political sheet to be inserted in each copy issued; in other cases, only the heading and local items will be set up in the local printing-office, the balance of the issue being prepared and printed at some distant establishment under the direction of a political press bureau. "Plate" or stereotyped matter is furnished by the column to papers of larger circulation and influence. Some papers which desire to assume an "independent" attitude in the campaign have a department in their columns called the "campaign forum," or "daily debate," in which appears matter furnished by both leading parties.

Regarding the practical value of all these different devices, one who has been prominent in the conduct of a national campaign says: "After all, I doubt much whether even the hard work, the systematic work, the astute political devices upon which the politicians so

**News-  
papers**

**Practical  
value of  
these  
devices**

<sup>1</sup> *Review of Reviews*, XXII, 529 (1900).

greatly rely, really have as much weight in deciding the fate of an election as people who live entirely in a political atmosphere sometimes think. The success or failure of a candidate for office and particularly for an exalted national office, depends very much upon conditions similar to those which determine the success or failure of a book. Many a good book well pushed by its publishers has fallen flat. . . . It is somewhat so with a presidential election. Admitting all the use of money properly and corruptly; admitting that this campaign manager is cleverer than his opponent, still you will find that rising above either of these factors comes, as the determining element in the situation, the temper of the public. Doubtless the newspapers, the documents, and the speakers help, in some slight degree, to form this public sentiment; but if it be against one candidate, the most herculean efforts on the part of his managers cannot stem it. If it be for him, all his associates have to do is to guide it rightly and see that its expression at the polls is correctly recorded.”<sup>1</sup>

### QUESTIONS AND TOPICS

1. The present-day value of political editorials in England and the United States. (See Porritt, and ch. 9 in Weyl's *The New Democracy*.)
2. The influence of the political press in the Jacksonian period. (See *Niles' Register*, biographies, and general histories.)
3. The methods used in the presidential campaign of 1840, and contemporary opinion of them.
4. Compare English and American campaign methods. (See Brooks, Colby, Porritt.)

<sup>1</sup> W. J. Abbott, in *Rev. of Rev.*, XXII, 562 (1900).

5. The novel political exhibitions or "rival political shows," used in the New York municipal campaign of 1909. (See *Outlook*.)

6. The effect of presidential campaigns upon business. (See R. W. Babson, *Business Barometers*, condensed in Philadelphia *Public Ledger*, February 4, 1912.)

7. The Morey letter in the campaign of 1880, and the Murchison letter in the campaign of 1888.

## BIBLIOGRAPHY

Abbott, W. J., "The Management of the Democratic Campaign" (1900), in *Rev. of Rev.*, XXII, 556 (1900).

Bishop, J. B., *Our Political Drama*. A number of old campaign cartoons are reproduced.

Blair, Emily N., "Every Man His Own Campaign Manager," in *The Outlook*, XCVII, 426 (1911).

Bourne, Jonathan, Jr., "Popular Government in Oregon," in *The Outlook*, XCVI, 321 (1910).

Brooks, Sydney, "English and American Elections," in *Harper's Magazine*, CI, 329 (1900); also in *Fortnightly Review*, LXXXVII, 246 (1910).

—"Election Manners in England and America," in *Harper's Weekly*, LIV, 13, February 12, 1910.

Bryce, James, *The American Commonwealth*, II, chs. 71-73 (4th edition).

Buxton, C. R., *Electioneering Up To Date* (1906). On English Campaigns.

Colby, Everett, "An American Politician in an English Election," in *The Outlook*, XCIX, 319 (1911).

Daniels, Josephus, "Mr. Bryan's Third Campaign," in *Rev. of Rev.*, XXXVIII, 423 (1908).

Fite, E. D., *The Presidential Campaign of 1860*.

Guild, Curtis, Jr., "Spellbinders," in *Scribner's*, XXXII, 561 (1902).

Lissner, Edward, "How a National Campaign is Run," in *Harper's Weekly*, XLVIII, pt. 2, pp. 1314 ff. (1904).

McConnell, G. M., *Presidential Campaigns from Washington to Roosevelt*.

*Nation*, The, XCV, 348 (1912), "Campaigns and Votes."



Ostrogorski, M. *Democracy and the Organization of Political Parties*, II, pt. 5, chs. 4-5.

*Outlook, The*, XCVI, 523 (1910), "Campaign Methods."

— XCIII, 360 (1909), "Rival Political Shows."

Porritt, Edward, "Political Campaigning in England and America," in *Atlantic Monthly*, CII, 156 (1908).

*Review of Reviews*, XXII, 529 (1900), "How the Republican National Committee Works for Votes."

Shaw, W. B., "Methods and Tactics of the Campaign," in *Rev. of Rev.*, XIV, 550 (1896).

Turner, G. K., "Manufacturing Public Opinion," in *McClure's*, XXXIX, 316 (1912).

Wellman, Walter, "Management of the Taft Campaign," in *Rev. of Rev.*, XXXVIII, 432 (1908).

## CHAPTER XI

### PARTY FINANCE. REVENUES. LEGITIMATE AND ILLEGITIMATE EXPENDITURES. CORRUPT PRACTICES ACTS AND OTHER REMEDIAL LEGISLATION. PUBLICITY LAWS

The employment of the various agencies or methods described in the preceding chapters involves the collection and expenditure of large sums of money. Indeed the first work of campaign organization is to raise money, or a "campaign fund," as it is called. The amount of money spent by the great political parties in a presidential campaign has increased to enormous proportions in recent years. In the Buchanan campaign of 1856 the total sum at the command of the Democratic national committee was less than \$250,000, while the amount expended by the Republican national committee in the Lincoln campaign of 1860 was only a little over \$100,000.<sup>1</sup> After the Civil War the amount expended in a national campaign steadily rose until it reached its high-water mark in the campaign of 1896, when, it is believed, the Republicans alone had a fund of \$7,000,000.<sup>2</sup> In the last three campaigns the Democratic and Republican funds have been much smaller. Mr. Cortelyou, chairman of the Republican national committee in 1904, testified

Size of  
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<sup>1</sup> Perry Belmont, in *No. Am. Rev.*, CLXXX, 166 (1905).

<sup>2</sup> Rollo Ogden, in *Atlantic Monthly*, LXXXIX, 76 (1902).

before a Senate committee in 1912 that the Republican fund for 1904 amounted to \$1,900,000. Mr. Mack, chairman of the Democratic national committee in the same campaign, testified before the same committee that the Democratic fund amounted to about \$700,000. Mr. Hitchcock testified that the Republican fund in 1908 amounted to \$1,655,518.27. In the campaign of 1912, the Democrats expended over \$1,130,000, the Republicans over \$1,070,000, and the National Progressive party over \$670,000.

Party officials responsible for raising and disbursing funds

The work of collecting money for a presidential campaign falls principally to the chairman and the treasurer of the national committee, with whom is associated a sub-committee of the national committee, called the finance committee. To facilitate the collection of funds in 1908, the Republican national committee found it advisable to organize finance committees in all the northern States. In the same year the Democratic national committee collected a large sum through the assistance of about one hundred leading Democratic newspapers. Large sums are disbursed directly by the national committee, but even greater sums, perhaps, are disbursed directly through the State and local committees. Probably every party committee has something in the way of a campaign fund collected either through its own efforts or advanced to it by committees higher up.<sup>1</sup> It will be convenient to treat the subject of party finance under the three main headings of *party revenue*, *party expenditures*, and *remedial legislation*.

The principal sources of party revenue are: (1) Vol-

<sup>1</sup> Walter Wellman, in *Rev. of Rev.*, XXXVIII, 432 (1908).

untary subscriptions by the rank and file of the party. The total amount of these subscriptions is much larger than is generally supposed. One little town in Indiana, for example, with a population of only 4,000, in 1888 when party enthusiasm ran high, raised in this way \$1,200.<sup>1</sup> Money comes from men in moderate circumstances as well as from rich men. One feature of the campaign of 1904 was the starting of a "one dollar" subscription list by President Roosevelt for the benefit of the Republican fund; and among the contributions to the Democratic fund in 1908 a surprising amount came in small sums, such as dollar bills, small checks and money orders, from private persons of moderate means.<sup>2</sup> On the other hand, instances have come to light in recent years of thousands of dollars subscribed by rich men with the expectation, if not the express promise, that they should be rewarded with appointments to high offices if the party is successful in the election.

The  
sources  
of party  
revenue  
or cam-  
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(2) Until recently corporations have been known to make generous contributions to party funds. Such contributions may be made with perfectly innocent and worthy motives, but in many instances it has been demonstrated that they have been made with the express or implied understanding that legislation favorable to the contributing corporations would be enacted, or at least that the corporate interests would be protected by the party managers from unfavorable legislation.<sup>3</sup>

<sup>1</sup> J. W. Jenks, in *Century Magazine*, XLIV, 940 (1892).

<sup>2</sup> Josephus Daniels, in *Rev. of Rev.*, XXXVIII, 423 (1908).

<sup>3</sup> See Mr. Havemeyer's testimony in the investigation of the sugar trust, *Senate Reports*, 2d session, 53d Congress, X, 351 ff.; also quoted in *Beard's Readings*.

(3) There are known instances when the agents of the party in office have secretly appropriated public funds of the city, county or State to campaign purposes to the advantage of their own party. This practice is, of course, illegal, and when exposed usually meets condign punishment.

(4) Candidates for the State legislature often find an important source of revenue for their personal campaign funds in the generous contributions of aspirants for election to the United States Senate. The recipient, if elected, is, of course, expected to vote for his benefactor.

(5) In large cities and in some States, especially where boss domination and machine rule are most securely entrenched, large sums are obtained from persons desiring the party nomination for different offices. Among several aspirants for a given nomination, the boss or machine awards the nomination to the one who is willing to make the largest contribution to the campaign fund. In other words, there is virtually a sale of the nomination to the highest bidder.

(6) The contributions of *candidates* is another important source. These may be perfectly voluntary or they may be in the nature of assessments made by the party managers or committees in charge of the campaign in the locality most concerned. In the latter case, the contributions sometimes follow a regular scale, as a certain percentage of the salary attached to each office.<sup>1</sup> In some places a man is not allowed to become a candidate, his name is not even permitted to go before the party convention, until he pays an assessment to help defray the party expenses.<sup>2</sup> This

<sup>1</sup> See Lalor, I, 152.

<sup>2</sup> Woodburn, 271.

practice promotes the candidacy of rich men, for it is only they who can stand the assessments, while the community is deprived of the services of abler men of only moderate means.

(7) Keepers of gambling houses, saloons, disreputable resorts, and others who desire police protection in the violation of municipal ordinances and State laws, constitute in some parts of the country an important source of campaign funds, especially in municipal and State campaigns.

(8) Contractors hoping to obtain large contracts for State, county, or municipal work, by means of which large fortunes are sometimes made, often contribute generously to the party fund, hoping thereby to insure the election of friends who will be in a position to award them the contracts desired.

(9) A very important source of campaign funds takes the form of assessments levied upon all the office-holders of the party. Until the enactment of the Federal civil service act in 1883, Federal office-holders had for many years been more or less openly assessed for campaign purposes. This act, however, largely put an end to the practice by prohibiting any Federal officer or employee from soliciting or receiving, directly or indirectly, any political contribution or assessment from any Federal officer or employee. Payment of any such contribution by an officer or employee to another is also prohibited, as is the solicitation or receiving of political contributions or assessments in any room or building used for official purposes by the Federal Government, or on any other Federal premises. Although prohibited and practi-

**Assessment of office-holders**

cally eradicated in the case of Federal office-holders, the practice of levying political assessments upon State and local officials prevails in practically all States which have not adopted stringent civil service acts, and is probably seen at its worst in the large cities. Even in cities having civil service acts covering municipal offices, the acts are often violated or evaded, office-holders being virtually subject to assessments in the form of a request from party managers for a "voluntary" contribution to the campaign fund. Failure thus to contribute "voluntarily" is usually followed by failure to secure a renomination or is punished in some other way equally effective.<sup>1</sup>

**Evils of  
political  
assess-  
ments**

Some of the more *conspicuous evils* connected with the practice of assessing office-holders for party purposes should be noted in this connection. Where the practice prevails there is a tendency to cause public office to be regarded as a party resource, a reward for party services, and not as a *public trust*. It promotes the candidacy of the venal and corrupt. "The corrupt politician who submits to the extortion of party assessments does so with the fixed purpose of recovering the money by corrupt means or using his place for corrupt ends after he is elected. This is a part of the calculation of the corrupt candidate. There will be city jobbery, connivance with criminals, treasury defalcations, fraudulent franchises, for in some way the heavy assessments must be recovered. . . . The system tends directly to political temptation and the ruin of character. The man who stays in politics and

<sup>1</sup> See Philadelphia *Public Ledger*, October 31, 1911, for an account of the assessment of municipal office-holders in Philadelphia.

submits to these exactions suffers severely in moral tone unless he is a notable exception to the rest of mankind. On the other hand, the public-spirited, the conscientious, the upright, who object to corrupt methods, cannot afford to stand for public office. No practice tends more directly toward the debasement of our political morals and degeneracy in the character of the public service.”<sup>1</sup> The political assessment of office-holders who receive their salary from the public treasury is in effect making the public help pay the election expenses of the party in power, and this without the sanction of law. Some advanced political reformers have advocated that all legitimate expenses connected with a political campaign should be paid by the State, and there is much to be said in favor of the proposal. Until, however, this has been definitely sanctioned by law, party expenses should be paid exclusively from the party treasury and not directly or indirectly from the public treasury.

*Party expenditures* may be divided into those made for *legitimate* purposes and those made for *illegitimate* purposes. Although it is impossible to ascertain with complete accuracy the total amount of money spent in any important campaign to influence the result of the election, it can safely be asserted that the amount spent for illegitimate purposes falls far short, even in a presidential campaign, of the amount expended in ways perfectly legitimate.

It is impossible to enumerate all the purposes or objects for which money may be legitimately expended, but some of the more obvious and important

**Legitimate expenditures**

<sup>1</sup> Woodburn, 270.



may be indicated. In recent national campaigns two sets of headquarters, each with a staff of clerks and stenographers, have been maintained for several months in Chicago and New York by both the Republican and Democratic parties, at an estimated cost of about \$3,000 a day. In addition to this there are heavy expenses connected with the maintenance of State and local headquarters. The hire of halls for conventions and mass-meetings is another important item. In some years in New York County eighty different political conventions have had to be provided with a place of meeting, not to mention their incidental expenses. For a single mass-meeting in New York City the expense of hall hire, music, and decorations has amounted to \$3,000; while the expense connected with a great meeting in the Madison Square Garden at which Mr. Taft and Governor Hughes spoke in 1908 footed up about \$10,000.<sup>1</sup> Special trains and automobiles have to be hired at great cost for the transportation of the leading candidates and speakers. The expenses of campaign speakers have to be met, and sometimes they are also paid a salary of \$100 a week, and in very exceptional cases \$100 a night. New York and other cities have been known to have torch-light processions the equipment and arrangements for which have cost as high as \$12,000.<sup>1</sup> The amount expended on printing is enormous. The printing of one speech for distribution has cost \$5,000, and there have been campaigns when twenty such

<sup>1</sup> Herbert Parsons, in *The Outlook*, XCVI, 351 (1910).

<sup>2</sup> Edward Lissner, in *Harper's Weekly*, XLVIII, pt. 2, p. 1314 (1904).

speeches have been printed and distributed. Then there is the printing of other campaign documents, the preparation of "plate" and "patent inside" matter for newspapers, tickets for caucuses and conventions; and in some States the primary ballots have to be printed at the expense of each party. Large sums are also required for cartoons, lithographs, posters, badges, banners, flags, and advertisements in the newspapers. For the last item, \$28,500 was expended in a recent campaign in New York County alone. It has been estimated that the printing bill of the Republican national committee in the campaign of 1900 was not less than \$200,000, and this does not include the sums expended by State and local committees.

In large cities, like New York, where the leading parties maintain open headquarters and employ a staff of officials the year round, there is need of a permanent campaign fund, and the amount required for perfectly legitimate purposes is very large. Some idea of these expenses in a large city may be gathered from a list of the most important items of expense which have to be met by the Republican county committee of New York County.<sup>1</sup> In every election district in the city there is a headquarters club open during the entire year, the expenses of which are in part met by the membership dues, entertainments, and chowder parties, the balance being defrayed from the treasury of the county committee. An effective campaign in a Republican district costs, including the

Legitimate campaign expenses in New York City

<sup>1</sup> The description which follows is a condensation of Herbert Parsons's article, "Why a Political Party Needs Money," in *The Outlook*, XCVI, 351 (1910).

expenses of headquarters of local candidates, about \$4,000. The maintenance of county headquarters, open throughout the year,<sup>1</sup> costs over \$14,000—rent, \$2,000; secretary's salary, \$3,500; stenographer and clerk hire, \$4,000; printing and stationery, \$3,000; postage, telegraph and telephone, and miscellaneous, \$1,500. It is exceedingly important to get the full party vote registered prior to the day of election, and to do this effectively workers are needed and must be paid. This costs, in a presidential campaign, about \$13,500. A corps of paid speakers is employed during a campaign. The amount paid for speakers in a presidential campaign and the expenses connected with meetings does not fall far short of \$20,000. Stenographic reports of speeches furnished to the press cost \$1,500 in 1908. In that campaign, the county committee established three noonday tent meetings, at a cost of \$15,000. In guarding against fraudulent registration and voting, \$27,000 is easily spent. For use on election day in getting out the vote, usually about \$40,000, or \$40 to each election district—not an excessive sum—is required. Altogether and including the printing of the primary ballots and a variety of other expenses, fully \$200,000 is needed to carry on a vigorous and effective campaign by the Republican county committee of New York County alone, while \$100,000 additional could be spent legitimately for a personal canvass of the county prior to election.

Of the *illegitimate* expenditures connected with po-

<sup>1</sup> For the explanation of the necessity of such a permanent staff, see Parsons, *op. cit.*

litical campaigns no more complete list can be given than in the case of the legitimate expenses. Both are limited, in the absence of restrictive statutes, only by the size of the fund available and the ingenuity and scruples of the party managers. The principal illegitimate use of money in a campaign takes the form of bribery of voters. This may be accomplished directly by the payment of money, or other valuable consideration, to a voter, in return for which he votes the party ticket favored by the bribe-giver; or indirectly by paying the voter to stay away from the polls.

*Illegitimate expenditures*

The extent to which bribery figures in any campaign depends largely upon the locality, being found most extensively practised, as a rule, in "close" districts and the city wards. "Careful investigators and practical politicians agree in placing the corruptible vote of the country at two per cent of the whole"; or rather that it would be necessary to corrupt only two per cent to swing a general election.<sup>1</sup> Localities are not uncommon where from ten to thirty-five per cent of the voters are purchasable. Some years ago in a township in Indiana having about two hundred voters, all were found to be more or less purchasable. In one township in eastern New York with about four hundred voters, there were only thirty who could not be purchased.<sup>2</sup> In New York City it has been estimated that the number of venal voters is in excess of 170,000—men who expect to be paid for their votes in one form or another, chiefly in cash.<sup>3</sup> An investiga-

*Bribery most frequent in large cities*

<sup>1</sup> P. McArthur, in *The Forum*, XLVII, 30 (1912).

<sup>2</sup> J. W. Jenks, in *Century Magazine*, XLIV, 940 (1892).

<sup>3</sup> J. G. Speed, in *Harper's Weekly*, XLIX, pt. 1, p. 386 ff.

Some of  
the most  
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tricts

tion into venal voting in the State of Connecticut made in the early nineties brought out the fact that in a voting population of 166,000, from 17,000 to 25,000 were liable to be bought and sold at every election. This same investigation and recent revelations of political corruption in Adams County, Ohio, and Vermilion County, Illinois, prove conclusively that vote-buying politicians and purchasable voters are not confined to large cities, or to any one racial stock, and that, contrary to a widely prevalent opinion, foreign immigrants are not the worst offenders. Of the venal voters in Adams County, Ohio, the large majority were of native American stock, living in rural communities; while, in the districts investigated in Connecticut, 556 in every thousand were of American stock, 173 were Irish of the second generation, 136 Irish-born, 28 were Germans of the second generation, and 53 were native Germans.<sup>1</sup> In many localities little money goes to the voters directly, but is paid to men of influence to use on or just before the day of election in "treating" the voters with cigars, drinks, etc. Sometimes efforts are made to get the voters of the opposite party so intoxicated that they will be unable to go to the polls.

Money spent to bring in "floaters" or voters from other districts constitutes another illegitimate expenditure, and is extensively practised in large cities with a strong foreign element. Considerable sums are also expended to pay the expenses of students at colleges and universities, and others, incurred in returning to their homes in order to vote. Some regard this as a

<sup>1</sup> J. J. McCook, in *The Forum*, XIV, 1, 159 (1892).

mild form of indirect bribery, since it is expected that the student will vote for the party which pays for his transportation. On the other hand, some regard the custom merely as a part of the legitimate expenses of "getting out the vote" on election day. A number of other expenditures may be regarded as at least of doubtful legitimacy.<sup>1</sup>

Increased knowledge on the part of the general public of the sources and magnitude of campaign funds, especially in national and State elections, and of the nature and extent of the illegitimate purposes to which such funds have been applied, has produced a universal demand for *remedial legislation*. Such legislation falls into four main classes: corrupt practices acts, laws which restrict the sources of campaign funds, laws which restrict or define legitimate expenditures, and laws which require publicity of campaign contributions or expenditures, or both.

(1) Corrupt practices acts are statutes enacted to prevent the infraction of the election laws and to prohibit practices which injuriously affect the elective franchise. The subjects dealt with in such statutes vary greatly in the several States. They usually cover a number of practices not directly related to the use of money in campaigns. Among the more important

**Remedial  
legislation af-  
fecting  
party fi-  
nance**

**(1) Cor-  
rupt prac-  
tices acts**

<sup>1</sup> For a graphic description of the way in which candidates are often "bled" for various purposes incidental to a political campaign, especially when the candidate is a wealthy man, one who is willing to "loosen up," or "tap his barrel," in order to win, see W. J. Desmond, in *The Municipality* (Milwaukee), November, 1910, p. 56. This description also illustrates the way in which the small and perfectly legitimate expenditures by worthy candidates often lead step by step to expenditures for objects of doubtful legitimacy and finally for purposes which are positively corrupt.

things included, the following may be noted:<sup>1</sup> bribery; treating, which sometimes covers the giving of cigars and tobacco; betting by a candidate on any pending election, or furnishing money therefor; seeking a nomination for a venal consideration or motive, and not in good faith; soliciting or begging from candidates contributions to any so-called public benefit scheme, charitable, religious, or otherwise; the payment of naturalization fees or poll taxes by others than the persons directly concerned; and requiring political committees to appoint and maintain a treasurer who shall receive and disburse *all* money used in a campaign.

(2) Federal and State laws restricting the sources of party revenue

(2) Closely related to corrupt practices acts, are *laws which restrict the sources of campaign funds*. Contributions by corporations were first prohibited in 1897 in the statutes of Tennessee, Florida, and Nebraska; and at the present time a large number of States have similar prohibitions. Congress, in 1907, passed an act prohibiting contributions by any corporation to any campaign in connection with the election of President, Vice-President, representatives and senators, and further prohibiting national banks and other Federal corporations from contributing to any campaign whatsoever.<sup>2</sup> Other laws place a limitation upon the

<sup>1</sup> Most of these offences are included in the advanced Oregon statute, adopted in 1908. See *Am. Pol. Sci. Rev.*, III, 51 (1909). Other matters dealt with in corrupt practices acts are: (1) fraudulent registration and tampering with the registration lists; (2) "repeating," or personating a voter, and "stuffing" ballot-boxes; (3) using undue influence upon voters, including (in Oregon) threats of even a "spiritual injury." Laws restricting the sources of campaign funds and their expenditure, together with publicity laws, are often indiscriminately treated as corrupt practices acts.

<sup>2</sup> Margaret A. Schaffner, *Corrupt Practices at Elections*, 31; Perry Belmont, in *No. Am. Rev.*, CLXXX, 166 (1905); *United States Statutes at Large*, XXXIV, 864, approved, January 26, 1907.

amount which may be solicited from candidates, or prohibit the solicitation of candidates for contributions except by duly authorized party officials. State and Federal laws have been enacted to prohibit the assessment of public officers and government employees.<sup>1</sup> Wisconsin, and perhaps a few other States, have laws prohibiting contributions by non-residents of a legislative district to aid in the nomination or election of any person to the legislature. This is designed to check the contributions of aspirants for the United States Senate.<sup>2</sup>

In Colorado an act has been passed which declares that "the expenses of conducting campaigns to elect State, district, and county officers at general elections shall be paid only by the State and the candidates." Contributions by other persons or by corporations is made a felony. Candidates may contribute only a certain percentage of the salary or fees connected with the office sought, and the State is to contribute to each political party twenty-five cents for every vote cast at the last preceding election for its candidate for governor. The State treasurer is to pay the entire amount due each party to its State chairman, who is placed under bonds to distribute one-half among the various county chairmen, according to the party vote in their respective counties.<sup>3</sup> This innovation is deserving of serious study. In December, 1907, President Roosevelt, in his annual message to Congress, advocated partial payment of campaign expenses by the Federal Government when he said: "The need for

e. g., Colorado

<sup>1</sup> See chapter XV.

<sup>2</sup> This is also found in the Federal act of 1911.

<sup>3</sup> L. E. Aylsworth, in *Am. Pol. Sci. Rev.*, III, 382 (1909).



collecting large campaign funds would vanish if Congress provided an appropriation for the proper and legitimate expenses of each of the great national parties, an appropriation ample enough to meet the necessity for thorough organization and machinery which requires a large expenditure of money. Then the stipulation should be made that no party receiving campaign funds from the Treasury should accept more than a fixed amount from any individual subscriber or donor; and the necessary publicity for receipts and expenditures could without difficulty be provided."

(3) Laws prohibiting or limiting expenditures, (a) indirectly, as in Pennsylvania; or (b) directly, as in Oregon

(3) There are numerous *laws prohibiting or limiting certain expenditures*. This is frequently done by defining what are to be regarded as legitimate expenses, leaving the amount which may thus be expended unrestricted. The enumeration contained in the Pennsylvania statute<sup>1</sup> may be taken as fairly typical: printing and travelling expenses, and personal expenses incidental thereto; stationery, advertising, postage, expressage, freight, telegraph, telephone, and public messenger services; expense incurred in the dissemination of information to the public; for political meetings, demonstrations, and conventions, and for the payment and transportation of speakers; for the rent, maintenance and furnishing of offices; for the payment of clerks, typewriters, stenographers, janitors, and messengers, actually employed; for the employment of watchers at primary meetings and elections; for the transportation of voters to and from the polls; for legal expenses, bona fide incurred, in connection with any nomination or election.

<sup>1</sup> Act of 1906.

Some laws limit the number of workers at the polls on election day, and the number of conveyances which may be used to get voters to the polls. Other laws restrict the amounts which may be expended for bands, torches, badges, etc. In some States the expenditures of candidates for State and local offices are restricted to a certain stated percentage of the salary attached to the office sought, or to the number of voters in the district affected. In Oregon, for example, by the act of 1908, no candidate is allowed to spend in his campaign for nomination more than fifteen per cent of the first year's salary, nor, if nominated, more than ten per cent additional in the campaign for election; but any candidate is permitted to spend at least \$100, regardless of the salary of the office sought.<sup>1</sup> In Colorado candidates for salaried offices may contribute and expend in the aggregate not to exceed forty per cent of the first year's salary; candidates for fee offices, not over twenty-five per cent of the fees of the last calendar year.<sup>2</sup>

The act of Congress approved August 19, 1911, contains clauses restricting the amount which candidates for senators and representatives may spend. Under no circumstances may a candidate for representative expend more than \$5,000 for his nomination and election; and no candidate for senator may expend more than \$10,000, exclusive of personal expenses for travel and subsistence, stationery and postage, writing or printing (except in newspapers), and distributing letters, circulars, and posters, and telegraph and telephone services.

Act of  
Congress  
of Au-  
gust 19,  
1911

<sup>1</sup> Jonathan Bourne, Jr., in *The Outlook*, XCVI, 321 (1910).

<sup>2</sup> L. E. Aylsworth, *op. cit.*

Laws re-  
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(4) Experience having shown that laws limiting the sources of campaign funds, and restricting or prohibiting certain expenditures, were ineffectual, a demand arose a few years ago for the enactment of so-called *publicity laws*, designed to throw open to public scrutiny the sources of campaign contributions and the objects for which they are expended. Publicity statutes are of two kinds: those requiring publicity for campaign contributions and those requiring publicity for campaign expenditures. About twenty States now have publicity laws applicable to both contributions and expenditures, and the two forms of publicity laws may be considered together.

The statutes which require publicity of *contributions* are aimed primarily to check the secret political contributions of rich individuals or corporations made with the expectation of receiving in return special favors of some kind. The nature and magnitude of such contributions were brought home to the public during the progress of the congressional investigation of the sugar trust in the early nineties, and even more forcibly during the investigation of the great life-insurance companies in New York in 1905.

Publicity statutes enacted by the several States of course have no direct effect upon the contributions and expenditures made in connection with a presidential or congressional campaign. In the absence of an act of Congress, a million dollars might be spent during such a campaign in a single State having a most stringent publicity law, yet the committees responsible for that expenditure could not be made to render any public accounting under the State law. Out of

this situation arose the National Publicity Bill Organization, in November, 1905, for the purpose of educating public opinion and securing the enactment, by Congress, of a statute which should require publicity of campaign contributions and expenditures in connection with all Federal elections. This movement, "unlike almost all other reform movements, has had its origin among politicians. . . . Those who have contributed to campaign funds, who have been closely identified with the most important corporate and political activities, are among the most ardent advocates of the measure tending to restrain such contributions especially on the part of corporations." <sup>1</sup>

The work done by this organization hastened the enactment of the Federal law of 1907 prohibiting contributions by corporations. The achievement of the full purpose of the organization was in part anticipated and in part promoted by the action of both great parties in the presidential campaign of 1908. In that campaign the Democratic candidate for the presidency and the managers of the Democratic national campaign voluntarily announced that the receipt of campaign subscriptions would be promptly published; that small sums would be solicited from individuals; that no sum over \$10,000 would be accepted from any single individual; and that no contributions would be accepted from corporations. Accordingly, on the 13th of October, 1908, the Democratic national committee published a list of contributors up to that date, and daily thereafter until the election published similar lists. Not to be outdone

Publicity  
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presiden-  
tial cam-  
paign of  
1908

<sup>1</sup> Perry Belmont, in *No. Am. Rev.*, CLXXX, 167 (1905).

by this display of political virtue, the Republican national committee publicly announced that it would conduct the financial side of its campaign in strict conformity to the provisions of the stringent New York State corrupt practices act, and that it would publish not only a list of contributors, but would also make public a list of its expenditures. Thereupon the Democratic national committee announced its intention of being governed in its financial transactions by the same statute.<sup>1</sup> As a result of this keen and unusual competition in political virtue the campaign funds of 1908 were tainted by contributions from rich individuals and corporations seeking special favors in a far less degree than for many years.<sup>2</sup>

Federal  
publicity  
acts of  
1910 and  
1911 cover  
presidential  
campaigns

Largely as a result of the activity of this Publicity Organization and the increasingly strong sentiment favoring publicity in connection with Federal elections, Congress passed an act<sup>3</sup> requiring the fullest publicity for both contributions and expenditures made in connection with the *election* of members of the House of Representatives. This law was soon followed by the passage of an act<sup>4</sup> providing for the fullest publicity of contributions and expenditures made by or on behalf of all candidates for the offices of representative and senator in Congress both in connection with their *nomination and election*. These acts have been so construed as to require publicity for contributions and expenditures in presidential campaigns.

<sup>1</sup> Josephus Daniels, in *Rev. of Rev.*, XXXVIII, 430 (1908); *The Outlook*, XCV, 8 (1910).

<sup>2</sup> See R. C. Brooks, *Corruption in American Politics and Life*, 233 ff. (1910).

<sup>3</sup> Approved, June 25, 1910.

<sup>4</sup> Approved, August 19, 1911.

The beneficial effects of this movement for campaign publicity are thus summarized by the foremost champion of publicity for Federal elections: "The purchase by secret campaign contributions of important Federal offices, at home and abroad, has been rendered more difficult, and a way of stopping it altogether has been provided. A check has been put upon the large secret contributions of corporations and individuals, with the understanding that political debts are thus incurred by party organizations. Stockholders and policy holders no longer helplessly witness the expenditure of corporate funds for political purposes. Corporations and candidates are protected against exactions that were constantly increasing. The enormous and unnecessary campaign expenditures in recent years, affording opportunity and encouragement to corruption, have been materially diminished. It is now the accepted opinion that a contribution to a political committee has no right to secrecy. The false conception that in respect to political contributions the individual has the right to use his money as he sees fit no longer exists in disregard of long-established restrictions upon the use of money in elections. It is now admitted that campaign-fund publicity is not an unnecessary interference with alleged individual rights, and that publicity is essential to determine the propriety of motives prompting political contributions."<sup>1</sup>

<sup>1</sup> Perry Belmont, in *No. Am. Rev.*, CLXXXIX, 35 ff. (1909).

## QUESTIONS AND TOPICS

1. Some of the ways in which money has been used improperly in elections other than those mentioned in the text. (See Jenks.)
2. Vote-buying in New York City and State. (See Speed.)
3. Vote-buying in New Jersey. (See Speed.)
4. Vote-buying in doubtful States. (See Speed.)
5. The extent and character of political corruption in Adams County, Ohio, and Vermilion County, Illinois.
6. Recent violations of the United States civil service act in the matter of political assessment of officeholders. (See recent *Reports* of the United States Civil Service Commission.)
7. What laws exist in your own State respecting campaign funds, including assessment of officeholders? How are they enforced or evaded?
8. Campaign contributions by the sugar trust and the New York life insurance companies. (See *Senate Reports*, 2d session, 53d Congress, X, 351 ff.; and New York Legislative Insurance Investigation Committee, *Report*, VII, 300; see also the index, p. 555.)
9. The debate in the Republican national convention of 1908 over the attempt to insert a publicity plank in the platform. (See *Report* of the Convention.)
10. The work of the New York State Publicity Law Organization and the National Publicity Law Organization. (See Belmont.)
11. The actual operation of the Oregon and Colorado methods of restricting campaign expenditures. (See Bourne.)
12. Political corruption in England. (See Lowell, I, Porritt.)
13. Political corruption in Canada. (See Fyfe.)
14. The English law governing corrupt practices in elections. (See Lowell, I.)
15. The political activity of the Second Bank of the United States in the time of President Jackson. (See Catterall's *Second Bank of the United States*, and the general histories.)
16. Should the publication of campaign contributions and expenditures take place before or after the election? (See Brooks.)

17. What are the legal agencies for the repression of political corruption, especially bribery, and the obstacles encountered? (See McGovern.)

18. What arguments can be advanced for and against the payment of national campaign expenses by the Federal Government, as recommended by President Roosevelt, or in accordance with the Colorado system? (See Brooks, Mackaye.)

19. Is it a mistake to penalize both the bribe-giver and the bribe-taker? How do "immunity" laws materially assist in exposing and punishing bribery at the polls and in legislative bodies? (See McGovern.)

20. The details of the Federal publicity act of 1911. (See *Statutes of the United States*, 1st session, 62d Congress, 25.)

21. What matters are covered by the corrupt practices acts of your own State? How might those acts be strengthened?

22. The Penrose-Roosevelt-Archbold controversy over campaign contributions by the Standard Oil Company, and the resulting Senate investigation (1912) of campaign contributions.

23. How can the substance of the Kansas statutes of 1909 and 1911, permitting voters who are absent from their lawfully designated election districts on election day to vote by mail, be adapted to conditions in your own State for the benefit of college and university students, commercial travelers, and others?

## BIBLIOGRAPHY

Abbott, E. H., "Mr. Roosevelt and the Senate Committee," in *The Outlook*, CII, 296 (1912). On campaign contributions, 1904 and 1908.

Aylsworth, L. E., "Campaign Expenses a Public Charge," in *Am. Pol. Sci. Rev.*, III, 382 (1909). Summary of the Colorado law.

Beard, C. A., *Readings in American Government and Politics*, ch. 30, quoting *Senate Report* on the sugar trust.

Belmont, Perry, "Publicity of Election Expenditures," in *No. Am. Rev.*, CLXXX, 166 (1905).

— "Progress of Campaign Fund Publicity," in *No. Am. Rev.*, CLXXXIX, 35 (1909).



- Blair, A. Z., "Seventeen Hundred Rural Vote-sellers," in *McClure's*, XXXVIII, 28 (1911). On conditions in Blair County, Ohio.
- Bliss, W. D. P. (editor), *New Encyclopedia of Social Reform*, article "Corruption."
- Bolce, H., "The Legitimate Use of Campaign Funds," in *Appleton's Magazine*, November, 1908.
- Bourne, Jonathan, Jr., "Popular Government in Oregon," in *The Outlook*, XCVI, 321 (1910).
- Brooks, R. C., *Corruption in American Politics and Life* (1910), ch. 6. Admirable discussion of party finance, including publicity laws.
- Bryce, James, *The American Commonwealth*, II, chs. 63, 66 (4th edition).
- Carr, J. F., "Campaign Funds and Campaign Scandals," in *The Outlook*, LXXXI, 549 (1905).
- Connecticut, *Report of Commission on Corrupt Practices at Elections* (1907).
- Creel, George, and Sloane, Gordon, "The Shame of Ohio," in *Cosmopolitan*, LI, 599 (1911).
- Desmond, W. J., "Legislation Needed to Check the Corrupt Use of Money in Election Contests," in *The Municipality* (Milwaukee), XXI, 55 (November, 1910).
- Fyfe, H. H., "The Pure Politics Campaign in Canada," in the *Nineteenth Century*, LXII, 665 (1907).
- Gregory, G. M., *The Corrupt Use of Money in Politics and Laws for its Prevention* (1893).
- Henry, James, "The British Corrupt Practices Act," in *The Forum*, XV, 129 (1893).
- Jenks, J. W., "Money in Practical Politics," in the *Century Magazine*, XLIV, 940 (1892).
- Kennan, George, "Holding-Up a State," in *The Outlook*, LXXIII, 277, 386, 429 (1903). On Addicks and corruption in Delaware politics.
- Lalor, J. J. (editor), *Cyclopædia of Political Science*, I, 152, "Political Assessments."
- Library of Congress, *Select List of References on Corrupt Practices in Elections* (1908).
- Literary Digest*, XLV, 357 (1912), "Campaign Funds in 1904 and 1912." On Penrose-Roosevelt-Archbold controversy.

- Literary Digest*, XLV, 452 (1912), "Early Campaign-Fund Publicity."
- XLV, 603 (1912), "Extracting Campaign Gift Secrets."
- Lowrie, S. G., "Corrupt Practices at Elections," in *Am. Pol. Sci. Rev.*, V, 236 (1911). On legislation in Indiana, North Dakota, and Wyoming, 1911. *Ibid.*, V, 575. On legislation in Ohio, New Jersey, and New Hampshire.
- McArthur, P., "The Science of Political Corruption," in *The Forum*, XLVII, 26 (1912).
- McCook, J. J., "The Alarming Proportion of Venal Voters," in *The Forum*, XIV, 1 (1892).
- "Venal Voting: Methods and Remedies," in *ibid.*, 159.
- McGovern, F. E., "The Legal Repression of Political Corruption," in *Am. Pol. Sci. Assn., Proceedings*, IV, 266 (1907).
- Mackaye, James, "A Substitute for the Campaign Fund," in *The Independent*, LXIV, 1142 (1908). On President Roosevelt's suggestion for governmental payment of campaign expenses.
- National Publicity Bill Organization, *Report*, 8 January, 1907, in *Senate Documents*, 2d session, 59th Congress, IV, No. 195.
- New York Legislative Insurance Investigation Committee, *Testimony and Report* (1905). See index, VII, 555.
- Ogg, F. A., "The Dollars Behind the Ballots," in *The World To-Day*, XV, 946 (1908).
- Ostrogorski, M., *Democracy and the Organization of Political Parties*, II, pt. 4, ch. 4, on assessments. See also index, "Finances of Party Organizations."
- Outlook, The*, XCVII, 42 (1911), "Bribery as a Local Custom." On conditions in Adams County, Ohio.
- CI, 987 (1912), "Mr. Penrose's Confession." On Penrose-Roosevelt-Archbold controversy.
- CII, 65 (1912), "Mr. Roosevelt on Campaign Contributions."
- CII, 291 (1912), "Campaign Contributions." On Senate investigation, 1912.
- Parsons, Herbert, "Why a Political Party Needs Money," in *The Outlook*, XCVI, 351 (1910).
- Porritt, Edward, "Political Corruption in England," in *No. Am. Rev.*, CLXXXIII, 995 (1906).

*Review of Reviews*, XLVI, 387 (1912), "The Penrose-Archbold Controversy."

Schaffner, M. A., *Corrupt Practices at Elections*, Wisconsin Legislative Reference *Bulletin*, No. 3 (1906).

*Senate Reports*, No. 606, 2d session, 53d Congress, X, 351 ff. On the sugar trust in politics.

Shaw, Albert, "The National Lesson from Adams County, Ohio," in *Rev. of Rev.*, XLIII, 171 (1911).

Smyth, Newman, "Political Corruption in Connecticut," in *The Outlook*, LXXIX, 690 (1905).

Speed, J. G., "The Purchase of Votes," in *Harper's Weekly*, XLIX, pt. 1, pp. 386 ff. (1906). How votes are bought in New York City, New Jersey, and elsewhere.

Welsh, Herbert, "Campaign Committees, Publicity as a Cure for Corruption," in *The Forum*, XIV, 26 (1892).

Weyl, W. E., "The Democratization of Party Finances," in *Am. Pol. Sci. Rev.*, VII, supplement, 178 (1913).

Woodburn, J. A., *Political Parties and Party Problems*, ch. 18. On party assessments.

*World's Work*, I, 77 (1896), "The Cost of National Campaigns."

— XXV, 25 (1912), "Campaign Expenditures."

## CHAPTER XII

### EDUCATIONAL AND OTHER SUFFRAGE QUALIFICATIONS. "GRANDFATHER" CLAUSES

Since control of the government by the carrying of elections is the ultimate aim of a political party, a treatise on practical politics should include at least a brief discussion of a few topics which relate primarily to elections. First in logical order is the topic of the suffrage, or the qualifications prerequisite to participation in elections.

There are two conceptions of the suffrage: According to one conception, it is viewed as a sort of natural right of man; and it is this conception which is emphasized in practically all American legislation on the subject. According to the other conception, the suffrage is looked upon not as a right, but as a privilege. This conception is the one emphasized in the legislation of England and other European countries.

Two conceptions of the suffrage

In no country are the terms voter and citizen identical in meaning. Women and children in any country would be classed as its citizens, but children are never, and women only rarely, permitted to vote in elections. We often fail to realize how limited the franchise really is, even in the United States. Out of a total population of nearly ninety million, fewer than fifteen million persons voted for President in 1908—

The terms voter and citizen are not synonymous

or about one in every six.<sup>1</sup> There were, however, seven million others, who, although apparently qualified, did not vote.

State, not  
Federal,  
laws de-  
termine  
who may  
become  
voters

In the United States the determination as to what classes of citizens shall enjoy the right or privilege of voting is left wholly to State law. The only Federal enactment bearing upon the suffrage is the Fifteenth Amendment to the Constitution, which is of merely a negative character, designed to prevent the States, in prescribing their suffrage qualifications, from discriminating against the negro "on account of race, color, or previous condition of servitude." Even the responsibility for determining who may vote for representatives in Congress is thrown back upon the States by the constitutional provision that "the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature."<sup>2</sup> In no country is there what may, with accuracy, be called universal suffrage enjoyed by all citizens.

The usual  
suffrage  
qualifica-  
tions

Every country in Europe and every State in this country prescribes certain qualifications which a person must possess and certain formalities with which a person must comply before he can participate in voting.<sup>3</sup> Thus all States fix an age limit at twenty-one. All but nine of the States restrict the suffrage to males. Every State requires a certain preliminary period of residence, varying from three months in Maine to three years in Rhode Island and six South-

<sup>1</sup> R. S. Baker, in *Atlantic Monthly*, CVI, 612 (1910). In 1912 the total vote cast for President was only slightly over 155,000 larger than the vote cast in 1908.

<sup>2</sup> Article I, section 2.

<sup>3</sup> Beard, 454, 455.

ern States; one year is the most common period. Nearly all the States require voters to be bona-fide citizens of the United States, although ten States permit aliens to vote who have declared their intention to become naturalized citizens. This practice was originally adopted by the newer and sparsely populated Western States as a device to attract European immigrants. The payment of a tax or the possession of property is required in a few States. Payment of a municipal tax is required in South Carolina and a poll-tax in Massachusetts, Florida, and Pennsylvania; while one State, Rhode Island, still retains a property qualification, possession of property of the minimum value of \$134 being necessary in order to vote in municipal elections. Compliance with registration laws is a prerequisite in about two-thirds of the States. These States require voters to appear in person and register a certain number of days before the election as a check upon corruption especially in the form of "repeating." The advantage of such a requirement is that it lessens contests at the polls by giving time before the election in which to settle contested questions as to a man's qualification to vote; and it affords an opportunity to identify him beforehand so as to prevent any attempt to impersonate him.

In some States when a person has once qualified, his name goes permanently upon the voting list until some affirmative reason is shown for striking it off. This practice has led to serious frauds because names of persons who have removed from the district or who have died have not been expunged, and under their names "floaters" have been voted in large numbers,

"Personal registration" laws necessary for largest cities, but of doubtful value in smaller cities

especially in great cities.<sup>1</sup> In other States, especially in cities, although seldom required in rural districts, a voter must every year present himself in person in order that his name may be duly recorded; and no one can legally vote who does not appear for this "personal registration," as it is called. Some of these personal registration laws require the applicant to give quite detailed information concerning himself, all of which is carefully recorded for purposes of identification. For example, according to the Pennsylvania law<sup>2</sup> applicable to cities of the first, second, and third classes, the voter must give to the registration officers the following information: name in full, occupation, street and number of residence, whether he is a lodger, lessee, or owner; if a lodger or lessee of only a portion of the house, the location or number of the room or floor; the length of residence in the district and State; location of the house from which he last registered; place of birth and production of naturalization papers, if an alien; evidence of the payment of taxes; personal description, color, height, age, and weight; and the voter is required to sign his name in the registration books, if able to write. In New Jersey even more detailed personal information is required.

While the personal registration system for the largest cities has very obvious merits, there is much difference of opinion as to its merits when applied to cities of from 25,000 to 100,000 population. Here it is claimed that the voters are more likely to know the other voters in their particular election district. It

<sup>1</sup> See C. R. Woodruff, in *Annals*, XVII, 181 (1901).

<sup>2</sup> Acts of 1906 and 1911.

also seems to be the general opinion that the personal registration system prevents more independent voting, on the whole, than "regular" voting. In other words, the people who do not register are mostly from the class who would vote independently. The party worker sees to it that the men who vote the partisan ticket as a regular thing register as voters. Probably the result of the registration system is to lose some votes which would not be under partisan control.

Some kind of *an educational test* is now required in almost one-third of the States. In some States this test is merely the proof of ability to read; in others, it is the proof of the ability to read and *understand* and also of the ability to write.<sup>1</sup>

Edu-  
cational  
qualifica-  
tions

The first educational test was proposed in Connecticut in 1854 and adopted as a constitutional amendment in 1855, during the Know-Nothing agitation against foreign immigration. The amendment provided that every person should "be able to read any article of the Constitution or any section of the statutes of this State before being admitted as an elector." Massachusetts, in 1857, adopted a constitutional amendment requiring ability to read the Constitution in the English language and to write one's name. Over thirty years then passed before the next State, Wyoming, adopted a reading qualification (1889). Maine soon followed (1891) by adopting almost verbatim the Massachusetts amendment of 1857.<sup>2</sup> In 1909 no less than fourteen States had adopted educational qualifications in some form. In recent years the

<sup>1</sup> Beard, 455.

<sup>2</sup> G. H. Haynes, in *Pol. Sci. Quar.*, XIII, 495 (1898).



In South-  
ern States  
they are  
designed  
to check  
negro  
voting

Southern States have been the most active in adopting an educational test. Here it is designed as a check upon negro voting, although illiterate white persons are equally liable to exclusion from voting where the laws are impartially administered. Evidence of ability to "understand" what is read, satisfactory to the registration officers, is sometimes required in these States.<sup>1</sup>

The  
"grand-  
father"  
clauses  
of South-  
ern State  
constitu-  
tions -

So much has been written in condemnation or exaggerated criticism of the suffrage qualifications of the Southern States because of the alleged injustice done to the negro, and especially of the so-called "grandfather clauses" in their State constitutions, that they warrant brief consideration at this point. The real "grandfather clauses," basing the right to vote on descent from a voter, have existed only in North Carolina, Louisiana, Georgia, and Oklahoma. In the first two States the clauses have expired by self-limitation. In the case of Louisiana three optional methods of qualifying as voters were provided by the constitution of 1898:<sup>2</sup> First, a person may qualify by demonstrating his ability to read and write in making written application for registration in the English language or in his mother tongue, this application to be "entirely written, dated, and signed by him in the presence of the registration officer, or his deputy, without assistance or suggestion from any person or any memorandum whatever except the form of the application" set forth in the constitution. Under the second method, in case a person cannot read or write, he may qualify by proving that he owns and has paid taxes upon property in Louisiana of the value of not less

<sup>1</sup> *Ibid.*

<sup>2</sup> F. G. Caffey, in *Pol. Sci. Quar.*, XX, 63 (1905).

than \$300. It is obvious that these two methods of qualifying, *fairly administered*, would exclude not only illiterate and propertyless negroes but would likewise exclude illiterate and propertyless whites. So in order to minimize the effect upon the white voters and at the same time retain the effect upon negroes, there was added another method of qualifying for the suffrage, popularly known as the "grandfather clause." By taking advantage of this, white persons unable to qualify under the first and second methods, were excepted from compliance with the conditions quoted above, by the provision, in substance, that no male person who on or before January 1, 1867, had been entitled to vote in the State, and "no son or grandson of any such person," at least twenty-one years of age, should be denied the right to register and vote by reason of his failure to possess the educational or property qualification prescribed in the constitution (provided he satisfied the other registration and residence requirements.)<sup>1</sup> The period during which advantage might be taken of this third method of registration was less than one year. Since the expiration of that time, all persons, whether white or black, have been required to comply with one of the two tests first described above. A similar clause in the constitution of North Carolina ceased to operate in 1908. At the present time (1913) a grandfather clause is in operation only in the States of Georgia, where it will expire January 1, 1915, and in Oklahoma, where, in spite of the small proportion of negro voters, it has been made permanent.

Not unjust, if fairly administered

<sup>1</sup> G. H. Haynes, *op. cit.*

Actual application of the educational tests open to serious criticism

So far as the laws are concerned, nowhere in the South to-day is the negro, as a negro, cut off from the ballot. *Legally*, any negro who can meet the comparatively slight requirements as to education or property, or both, can cast his ballot on a basis of equality with the white man. "Legally the negro is essentially the political equal of the white man."<sup>1</sup> Much, if not most, of the Northern criticism of Southern voting qualifications is in reality directed against the methods used in applying the various tests when negroes present themselves for registration. However reasonable these tests may seem in theory, in practice so many difficulties are thrown in the way of the negro voters that only those who have a liberal allowance of patience, persistence, intelligence, and money can succeed in getting into the registration books. This is due chiefly to the fact that in each State the law is so framed as to make everything depend upon the spirit and integrity of the officers in charge of the registration machinery. There is abundant evidence that through undue insistence upon technicalities these registration officers make a regular practice of using their discretionary powers to disfranchise many negroes who undoubtedly possess all the legal qualifications.<sup>2</sup>

Futile invocation of the Fourteenth Amendment

Occasionally an attempt is made to invoke the assistance of the Fourteenth Amendment to the Constitution in the hope of bringing about the repeal of these State laws containing educational qualifications designed to exclude negroes. The Fourteenth Amend-

<sup>1</sup> R. S. Baker, *op. cit.*

<sup>2</sup> See T. J. Jones, in *The Outlook*, LXXXVII, 529 (1907).

ment provides that when the right to vote is denied to any of the male inhabitants of a State being twenty-one years of age and citizens of the United States, *and in any way abridged except for participation in rebellion or other crime*, the basis of representation in Congress shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in the State. This amendment was adopted during the Reconstruction period in the expectation that the Southern States would prefer to grant full suffrage rights to the negro rather than have their representation in Congress reduced. It failed, however, to accomplish its original purpose, but the language of the amendment is broad enough to justify the reduction of representation in Congress of all the States in the Union having a property, educational, or tax qualification, for all these qualifications inevitably result in the exclusion of a not inconsiderable number of persons from the franchise. No serious attempt, however, has been made to enforce this amendment even against the Southern States, although the Republican platform has at different times declared for its enforcement.<sup>1</sup> The practical difficulties in the way of ascertaining with any degree of exactness the number of persons who are excluded from voting because of such suffrage qualifications are so great that this part of the Fourteenth Amendment has remained a dead letter.<sup>2</sup>

The question whether educational qualifications for the suffrage are desirable and should be adopted by all

<sup>1</sup> For example, in 1908.

<sup>2</sup> See G. H. Haynes, *op. cit.*

**Arguments for  
and  
against  
educational  
qualifications**

the States is one which has been debated over and over. One's attitude is likely to be determined by one's conception of the suffrage as a right or a privilege. Those who regard it as a right are inclined to oppose educational qualifications, while those who regard the suffrage as a privilege to be enjoyed only by those who have proved themselves worthy of it, will strongly favor educational qualifications and a suffrage restricted in other ways. Perhaps the strongest argument in favor of educational qualifications is based upon the assumption that education is essential to intelligent voting. Participation in government is "no child's play: it calls for a moderate degree of intelligence, with the power to learn at first hand. If matters of the gravest moment are to be left to the decision of the majority, it becomes of the utmost concern that the individuals who make up that majority shall at least have the possibility of learning for themselves in regard to the questions at issue; . . . Integrity, intelligence, independence of judgment, disinterestedness, a consciousness of the citizen's debt to the State—these are the qualities of a good citizen. It is with the prevalence of these that the future of democracy rests. They may all be present without the ability to read or write . . . yet in such communities as our own the lack of such ability in any man affords strong presumptive evidence that in him some, at least, of these qualities are wanting. The educational qualification emphasizes the fact that the granting of the suffrage should be in recognition of the voter's having reached a certain plane of mental and moral development, rather than of his having merely

filled out twenty-one years of existence. The man, be he native or foreign-born, who, amid the wealth of opportunity by which he is surrounded in America, is too inert to win for himself the slight intellectual attainments which this test requires, by that very fact proclaims his low and unpatriotic notion of citizenship no less clearly than does the coward who sneaks away to avoid the draft. . . . The State does well to hold its suffrage a thing of worth, to make it a prize to be sought after—a privilege to which the incapable may not aspire.”<sup>1</sup>

Opponents of educational qualifications urge that such restrictions do not accomplish the end sought, namely, improving the character of the voters, but aim simply at illiteracy; and illiteracy, it is urged, is no proof of defective character. Educational qualifications are also opposed on the ground that they deny to orderly, law-abiding, and industrious persons the right to participate in the government which they are compelled to support by taxes.<sup>2</sup>

In England and the United States the question of extending the suffrage to women has been commanding more and more attention during the past decade. At the present time nine States, Wyoming (1869), Colorado (1893), Utah (1895), Idaho (1896), Washington (1910), California (1911), Kansas, Arizona, and Oregon (1912), have conferred the right to vote at all elections upon women as well as men. In at least fifteen States women may vote in school elections. In New York, women otherwise qualified may vote in village elections and town meetings on questions in-

Woman's  
suffrage  
in the  
United  
States

<sup>1</sup> *Ibid.*

<sup>2</sup> *Ibid.*

volving taxation, if they own property there.<sup>1</sup> That woman suffrage in the States where it has been most fully tried has been a success is vigorously asserted by the supporters of the movement to extend the suffrage to women, and is denied with equal vigor by the opponents of the movement. It must be conceded that no revolutionary changes, good or bad, have followed the granting of the full franchise to women. Upon the abstract merits of the question of extending full suffrage rights to women one's attitude will probably be determined by one's conception of the suffrage as a right or as merely a privilege. The writer holds no brief either for or against woman suffrage, but every one must concede that the movement is gaining headway rapidly, and it, therefore, deserves thoughtful and fair consideration by all students of practical politics.

### QUESTIONS AND TOPICS

1. Suffrage qualifications in the American colonies. (See Beard, Bishop, Lalor, III, and McKinley.)
2. History of the disappearance of the property qualification for the suffrage. (See Beard, Lalor and the general histories of the United States.)
3. The present law governing naturalization, and the defects of the old law which have been remedied.
4. The regulations affecting the suffrage in the dependencies of the United States. (See Burch.)
5. Describe in detail the steps which a person must take in order to get his name upon the voting lists in your own State.
6. The registration law before the New York legislature in 1840, and Governor's Seward's veto message. (See Seward's *Autobiography* and other biographies of Seward.)

<sup>1</sup> Beard, 453. For a map showing the status of woman suffrage in the United States, see *World's Work*, XXIII, 134 (1911).

7. The extent and methods of fraudulent registration in New York City. (See Finch.)

8. Registration frauds in Philadelphia before the personal-registration law of 1906. (See Woodruff.)

9. The actual effect of educational and property qualifications upon the size and character of the negro vote. (See Haynes, Baker, Rose.)

10. With Hart's essay on "The Exercise of the Suffrage," as a guide, estimate from the census reports the number of legal and actual voters in the country as a whole and in your own State, in the presidential election of 1912, and also the number of probably indifferent voters.

11. State all the arguments you can for and against compulsory voting. (See Hart, Holls.)

12. State all the arguments you can for and against woman suffrage.

13. Collect all the evidence available tending to show that the woman suffrage movement has been gaining great headway in the United States during the past decade.

14. The woman suffrage movement in Great Britain during the past decade.

15. Woman suffrage and its operation in New Zealand. (See Kennedy.)

16. Woman suffrage and its operation in Finland.

17. What is "multiple" or "plural" voting in England, and how does it affect the two principal parties? (See Lowell's *The Government of England*.)

18. What are some of the practical difficulties in the way of reducing a State's representation in Congress under the Fourteenth Amendment?

## BIBLIOGRAPHY

Abbott, Lyman, "Women's Rights," in *The Outlook*, C, 302 (1912).

Addams, Jane, "Why Women Should Vote," in *Ladies' Home Journal*, XXVII, 21 (1910).

*Annals of the American Academy*, etc., XXXV, Supplement to May number, 1910, Symposium, "The Significance of the Woman Suffrage Movement."

Baker, R. S., "Negro Suffrage in a Democracy," in *Atlantic Monthly*, CVI, 612 (1910).



- Belmont, Mrs. O. H. P., "Woman Suffrage as It Looks To-day," in *The Forum*, XLIII, 264 (1910).
- Bishop, C. F., *A History of Elections in the American Colonies*.
- Blackmar, F. W., "The History of Suffrage," in *Chautauquan*, XXII, 28 (1895).
- Blakeslee, G. H., "Woman Suffrage in Finland," in *The Outlook*, LXXXVII, 35 (1907).
- Bliss, W. D. P. (editor), *New Encyclopedia of Social Reform*, article, "Woman Suffrage."
- Bryce, James, *The American Commonwealth*, II, ch. 99 (4th edition), on "Woman Suffrage."
- Burch, H. R., "Conditions Affecting the Suffrage in Colonies," in *Annals*, XIX, 408 (1902).
- Caffey, F. G., "Suffrage Limitations at the South," in *Pol. Sci. Quar.*, XX, 53 (1905).
- Colby, J. F., "Suffrage," in *Lalor*, III, 822.
- Dorr, R. C., "Woman's Battle for the Ballot," in *Broadway Magazine*, July, 1908.
- Edson, Mrs. C. F., "Actual Operation of Woman's Suffrage in Pacific Coast Cities," in *Nat. Mun. Rev.*, I, 620 (1912).
- Encyclopædia Britannica*, 11th edition, XXVIII, "Women." On recent developments of the suffrage movement.
- Finch, E. R., "The Fight for a Clean Ballot," in *The Independent*, LXVIII, 1020 (1910). On the methods of registration and repeating in New York City.
- Giddings, F. H., "The Nature and Conduct of Political Majorities," in *Pol. Sci. Quar.*, VII, 116 (1892).
- Hamm, W. C., "A Study of Presidential Votes," in *Pol. Sci. Quar.*, XVI, 50 (1901).
- Harper, Ida H., "Suffrage—A Right," in *No. Am. Rev.*, CLXXXIII, 484 (1906).
- "Woman Suffrage Throughout the World," in *No. Am. Rev.*, CLXXXVI, 55 (1907).
- "Status of Woman Suffrage in the United States," in *No. Am. Rev.*, CLXXXIX, 502 (1909).
- "The World Movement for Woman Suffrage," in *Rev. of Rev.*, XLIV, 725 (1911).
- Hart, A. B., *Practical Essays on American Government*, chapter on "The Exercise of the Suffrage." The same may be found in *Pol. Sci. Quar.*, VII, 307 (1902).
- Haynes, G. H., "Educational Qualifications for the Suffrage in the United States," in *Pol. Sci. Quar.*, XIII, 495 (1898).

- Holls, F. W., "Compulsory Voting," in *Annals*, I, 586 (1891).
- Howe, Julia Ward, "Woman and the Suffrage: The Case for Woman Suffrage," in *The Outlook*, XCI, 780 (1909).
- Jenks, J. W., *Principles of Politics* (1909).
- Jones, T. J., "The Power of the Southern Election Registrar," in *The Outlook*, LXXXVII, 529 (1907).
- Kennedy, Paul, "Where the Women Vote," in *The Outlook*, XCV, 117 (1910). Study of New Zealand conditions.
- Knobe, Bertha D., "Recent Strides of Woman Suffrage," in *World's Work*, XXII, 14733 (1911).
- Knox, J. B., "Reduction of Representation in the South," in *The Outlook*, LXXIX, 11, 169 (1905).
- Lewis, L., "How Woman Suffrage Works in Colorado," in *The Outlook*, LXXXII, 167 (1906).
- Library of Congress, *List of Discussions on the 14th and 15th Amendments, with Special Reference to Negro Suffrage* (1906).
- Literary Digest*, XLVI, 45 (1913), "Features of the Popular Vote" in 1912.
- Lyon, H. S., "What Proportion of Voters Go to the Polls?" in *Yale Rev.*, XVII, 85 (1908).
- McCracken, Elizabeth, "Woman Suffrage in Colorado," in *The Outlook*, LXXV, 737 (1903).
- McIntire, Mary A. J., "Of What Benefit to Women?" quoted in Jones's *Readings*, 236 ff. Against woman suffrage.
- McKelway, A. J., "The Suffrage in Georgia," in *The Outlook*, LXXXVII, 57, 63 (1907).
- McKinley, A. E., *Suffrage Franchise in the Thirteen English Colonies* (1905).
- McMillan, D. C., *The Elective Franchise in the United States* (1898).
- Munro, W. B., *The Government of American Cities* (1912), ch. 5.
- Murphy, E. G., *Problems of the Present South* (1904).
- National American Woman Suffrage Association, *Fruits of Equal Suffrage* (pamphlet). Effect upon legislation.
- O'Neal, Emmet, "The Power of Congress to Reduce Representation," in *No. Am. Rev.*, CLXXXI, 530 (1905).
- Ostrogorski, M., *Democracy and the Organization of Political Parties*, II, 298 ff.

- Outlook, The*, XCVIII, 757 (1911), "Results of Woman's Suffrage" (in Colorado.)
- XCV, 853 (1910), "The Grandfather Clause in Oklahoma."
- CI, 767 (1912), "Shall Women Vote?"
- CII, 931 (1912), "A Crisis in the Woman's Suffrage Party."
- Phillips, J. B., "Educational Qualifications of Voters," in *University of Colorado Studies*, III (1906).
- Rose, J. C., "Negro Suffrage: The Constitutional Point of View," in *Am. Pol. Sci. Rev.*, I, 17 (1906).
- Schouler, James, "Evolution of the American Voter," in *Am. Hist. Rev.*, II, 665 (1896-97).
- Shepard, W. J., "The Theory of the Nature of the Suffrage," in *Am. Pol. Sci. Rev.*, supplement, VII, 106 (1913).
- Sherwood, H. F., "The Making of American Sovereigns," in *The Outlook*, XCVIII, 287 (1911). On naturalization methods.
- Smith, W. H., "Is the Negro Disfranchised?" in *The Outlook*, LXXIX, 1047 (1905). A reply to Knox.
- Stanton, Elizabeth C., and others, *History of Woman's Suffrage*, 4 vols. (1881-1902).
- Sumner, Helen, *Equal Suffrage: The Results of an Investigation in Colorado* (1909). The most thorough and impartial investigation of this subject.
- Watkins, Ann, "For the Twenty-two Millions," in *The Outlook*, CI, 26 (1912). Against woman suffrage.
- Weeks, S. B., "The History of Negro Suffrage," in *Pol. Sci. Quar.*, IX, 671 (1894).
- Woodruff, C. R., "Election Methods and Reforms in Philadelphia," in *Annals*, XVII, 181 (1901).
- Woodville, J. L. W., "Suffrage Limitations in Louisiana," in *Pol. Sci. Quar.*, XXI, 177 (1906). On the proceedings of the constitutional convention of 1898.

## CHAPTER XIII

### ELECTION LAWS. THE AUSTRALIAN BALLOT SYSTEM. DIFFERENT TYPES OF BALLOT. DEFECTS IN OUR ELECTION SYSTEM. THE SHORT BALLOT MOVEMENT

Every State has a body of statutes usually known collectively as the election laws. In some States these laws are so elaborate and detailed as to make a good-sized book of several hundred pages. Space permits the enumeration here of only the more conspicuous features of these laws.<sup>1</sup> Their main provisions are as follows:<sup>2</sup>

Provi-  
sions  
common  
to most  
"election  
laws"

(1) Certain elective or appointive public officers are placed in charge of the entire election process.

(2) Provision is generally made for bi-partisan election boards, consisting of poll and ballot clerks, and inspectors or judges of election in each voting-place.

(3) Authorized "watchers" from each party are permitted to be present at the voting-place in order to secure a fair vote and a fair count.

(4) Each election board is furnished with a standard official tally-sheet and blank records on which to make the returns for each voting-place. All returns must be certified by the officer in charge.

<sup>1</sup> Laws relating to the conduct of primaries and the making of nominations are usually classed as "election laws."

<sup>2</sup> Beard, 673.

(5) Most laws provide for the special policing of polling-places, require saloons to remain closed on election and primary days, and contain provisions designed to prevent violence, intimidation, and fraud.

(6) There are numerous provisions relating to the ballot, its form, printing, distribution, and secrecy in voting.

(7) The election laws further prescribe, with more or less minuteness, the steps which must be taken in order to have a candidate's name legally appear on the printed ballot, both for the primary and the general election; and indicate the proper procedure where a nomination or an election is contested.

**Introduc-  
tion of  
Australian  
ballot**

Before 1888 the printing of ballots and their distribution to the voters was left to private initiative. There were a few statutes regulating the size, color, form, etc., chiefly designed to produce uniformity within single States. In actual practice the ballots were printed and distributed by the several party organizations.<sup>1</sup> The lack of secrecy in voting, the facility for bribery, and the numerous opportunities for fraud, as well as the expense of printing, finally led to the adoption of the so-called Australian ballot. The first Australian ballot law in the United States was adopted by the legislature of Kentucky in February, 1888. It applied only to municipal elections in Louisville. The following year Massachusetts adopted the Australian ballot for all elections, and by the presidential election of 1892 no less than thirty-five States had adopted it; while by 1910 it had been adopted by all but two States, Georgia and South Carolina.<sup>2</sup>

<sup>1</sup> *Ibid.*, 674.

<sup>2</sup> *Ibid.*

The principal features of the Australian ballot system are the following:

Main features of Australian ballot system

(1) All ballots are printed under the supervision of public officials, at public expense, and are transmitted by these officials to the different voting-places a certain number of hours before election.

(2) The names of all candidates duly nominated by any political party or independent group are usually printed on a single sheet having an official indorsement on the back, to prevent counterfeiting.<sup>1</sup>

(3) A voter can secure a ballot only from the regular election officials after entering the polling-place on election day, and after having properly complied with all the preliminary registration requirements. Sample ballots, on colored paper, are usually provided in sufficient quantities, so that voters may become familiar with the names on the ballot before entering the voting-place. Such sample ballots are always posted in or near the voting-places and in other public places. In case a voter spoils his ballot he may return it to the election officer, who cancels it, and thereupon gives the voter a new ballot. Usually a voter is limited to three ballots.

(4) *Cards of instruction* containing directions for marking a ballot, and other cards containing the penalties for infraction of the election laws, are often posted not only in and about the voting-places, but conspicuously in other places a certain number of days before the day of election. By an ingenious use of

<sup>1</sup> In Missouri each party has a separate ballot, and the voter, on entering the polling-place, is given one of each party, returning the ones not used.

different sizes of type and short, crisp sentences such cards of instruction may be made easily read and understood by voters of average intelligence. In most cases, however, the cards of instruction seem designed not primarily for the guidance of the voter, but merely to comply with the letter of the law.<sup>1</sup>

Secrecy  
the most  
important  
feature

(5) Ballots must be marked in absolute secrecy within the voting-booths with which every voting-place is equipped. Having marked his ballot, the voter is required to fold it so that all the marks shall be concealed, and either to deposit it himself in the ballot-box or hand it to the officer in charge for deposit; this done, the voter is expected to leave the polling-place at once. Australian ballot laws all provide that a voter shall not place any mark upon his ballot by which it may be identified.<sup>2</sup> In New York ballots found to have marks upon them which seem intended for the identification of the voter are excluded from the final count. In New York City, and perhaps other places, the party watchers at the polls are provided with little books describing the various combinations of marks which may and may not be counted, and many cases arise in which determination is a difficult matter.<sup>3</sup> In the ballot proposed by the united reform organizations of New York City it is sought to do away with the great opportunity afforded by the Australian ballot for identification, by reducing the required marking to the mere blackening of a small white circle opposite each name.<sup>4</sup>

<sup>1</sup> W. B. Shaw, in *The Outlook*, LXXXI, 868 (1905).

<sup>2</sup> See C. S. Hartwell, in *The Outlook*, LXXV, 656 (1903).

<sup>3</sup> P. L. Allen, in *Pol. Sci. Quar.*, XXI, 38 (1906).

<sup>4</sup> W. B. Shaw, *op. cit.*

# INSTRUCTIONS TO VOTERS.

Read these words CAREFULLY. Go to the guard rail. A ballot marked **WRONG** is not counted.

<p><b>GIVE your NAME and RESIDENCE</b> to the Ballot Clerk.</p> <p><b>WAIT</b> till your name is repeated by the Ballot Clerk.</p> <p><b>GO INSIDE</b> the guard rail. Get your ballot from the Ballot Clerk.</p> <p><b>DO NOT LEAVE</b> the polling place <b>NOR</b> go outside the rail UNTIL YOU HAVE VOTED.</p> <p><b>GO TO A BOOTH</b> not occupied by another person. Go alone.</p> <p>Go at once.</p>	<p><b>MARK your Ballot</b> WITH A CROSS IN THE SQUARE at the TOP of a line to vote for ALL the candidates in that line.</p> <p><b>OR WITH A CROSS</b> IN THE SQUARE AT THE RIGHT OF THE NAME of any one or more candidates, to vote for one or more.</p> <p><b>OR WITH A CROSS</b> IN THE SQUARE at the RIGHT OF THE BLANK LINE.</p> <p>and write the names of your candidates, to vote for any other persons.</p> <p><b>ERASE NO NAMES.</b> <b>Make No Other Marks.</b></p>	<p><b>FOLD your Ballot</b> BEFORE LEAVING THE BOOTH, WITH THE MARKS INSIDE. <b>KEEP IT FOLDED</b> as you deliver it; <b>DO NOT ALLOW YOUR BALLOT</b> TO BE SEEN.</p> <p><b>Give it to Presiding Officer.</b> <b>Go Outside the Rail.</b> <b>Do not Enter again.</b></p> <p><b>Do not destroy a ballot.</b> <b>Do not take away a ballot.</b> <b>Do not occupy a Booth</b> <b>over FIVE MINUTES.</b></p> <p><b>If you do not use your ballot,</b> <b>give it to the</b> <b>Presiding Officer.</b></p>
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**IF YOU SPOIL A BALLOT**, give it back to the Ballot Clerk and get another. If you spoil the second, give it back and get a third. You can have no more.

**IF YOU DECLARE TO THE Presiding Officer** that you cannot mark your ballot by reason of physical or mental disability, and request him, he will direct you to the booth where one of the Assisting Clerks will assist you in marking your ballot.

A HELPFUL CARD OF INSTRUCTION TO VOTERS



"Assistance" clauses in ballot laws may facilitate bribery

(6) Many, if not all, of the Australian ballot laws include provisions whereby voters who declare their inability to mark their ballots themselves may receive assistance. In some States the voter is required to make oath to his inability to read the names on the ballot, or to his physical inability to mark his ballot, before assistance will be permitted, and even then the assistance must be given by one of the duly authorized election officers. Such provisions, properly administered, offer comparatively slight opportunities for fraud or bribery. On the other hand, there are statutes providing for assistance without these safeguards, like the one in operation in Pennsylvania, which reads as follows: "If any voter declares to the judge of election that by reason of any disability he desires assistance in the preparation of his ballot, he shall be permitted by the judge of election to select *a qualified voter of the election district to aid him* in the preparation of his ballot, such preparation being made in the voting-compartment."<sup>1</sup> The opportunity for fraud and bribery thus provided is obvious, and has been commented upon in a preceding chapter.<sup>2</sup>

As a remedy, the "envelope," or "vest-pocket" ballot has been devised

One remedy devised to correct the "assistance evils" is known as the "envelope," or "vest-pocket" ballot, for use in both primary and general elections. The principal features of this system are, first, the preparation, at the public expense and by designated elected or appointed officials, of *separate party ballots*,

<sup>1</sup> In the Pennsylvania direct primary election law the assistance clause requires the oath mentioned in the text.

<sup>2</sup> For instances of the flagrant misuse of the assistance clause, see George Kennan, in *The Outlook*, LXXIII, 432 (1903).

to be ready for distribution a certain number of days before the primary or election. A specified proportion of these ballots for each party is delivered to the judges of election in each district to be given at the polls to any qualified voter on election day. The remainder of the ballots are delivered before the day of election to the agents of the parties or organizations making nominations. The party agents immediately distribute the ballots to the voters, who are thus enabled to prepare their ballots at home at their leisure. In New Jersey, where this system was in operation until 1912, the ballots were sent to the registered voters through the mails at public expense. Recently several thousand ballots so sent were returned for the reason that the addressee could not be located. In this way thousands of false registrations were detected.<sup>1</sup> On the day of election the voter goes to the polling-place and receives a ballot, if he asks for one, and an official envelope in which he encloses and seals a ballot marked as he desires. The envelope containing the ballot is then deposited in the ballot-box. If the voter does not mark his ballot before coming to the voting-place he is permitted to do so there, *but no assistance is permitted*. An envelope containing more than one ballot is thrown out, just as a wrongly marked ballot is rejected.

This system appears to have some marked advantages, among which the following may be noted:

It simplifies proceedings at the polling-place on the day of election, and does away with the present clumsy and confusing "blanket" ballots. It avoids all ne-

Advantages of  
"envelope"  
ballot

<sup>1</sup> In 1912 the New Jersey law was amended so that provision is now made for the mailing of *sample* ballots only to the voters.

cessity for assistance at the time of voting, since any assistance desired must be obtained before coming to the polls. To a voter who sincerely desires it the envelope ballot gives the greatest assurance of secrecy, and thus tends to encourage independent voting. For, it is contended, "although a briber or a political boss may compel a voter to mark the ticket, which he brings to the latter's home, in the way ordered, that voter, when he goes to the polls, may at the same time have another ballot in his pocket, the one which he procured for himself and which he has marked to suit himself or may so mark when he is protected by the friendly curtain of the election booth. He very easily can substitute his own ballot while in the security of that retreat for the one forced upon him by his would-be boss, and when he emerges from the booth and asks the election officer for an envelope he can deposit therein the vote he wishes to cast and not the one which the politician has prepared for him." No one, it is contended, can possibly be aware of the voter's action except himself, as after he enters the voting-place assistance is prohibited, and all he has to do is to put his ballot in the envelope, seal and deposit it.

**Objections**

On the other hand, objection has been made to the envelope ballot on the ground that, so far from being a remedy for the present "assistance evils," it substantially invites complete assistance and would increase those evils many times over. "Its practical operation," it is urged, "would be that every division worker would put the ballot of his party into the hands of every voter who was in any way under his influence,

and would make reasonably sure that the voter had no other ballot about him when he entered the voting-booth, and then the voter would presumably not dare to do anything but put that particular ballot into the envelope." Instead of increasing the secrecy surrounding the ballot, it is objected that the envelope system would present great opportunities for the violation of this secrecy, and would open an easy way to bring about bribery of voters and for the identification of any ballot cast by a voter.

While nearly all States have the Australian ballot system, there is at the present time the greatest diversity in legislation on the subject of *the ballot itself*.

Diversities in the ballots of the several States

(1) In size and shape there is, perhaps, the greatest diversity. In 1904 the voters of Wisconsin were presented with a veritable "blanket" ballot, 35 by 24 inches, while in New York City, in 1909, the ballot was nearly 3 feet 10 inches wide by 14 inches long, and contained from nineteen to twenty-two columns. In Florida the ballot has taken the form of a narrow strip  $3\frac{1}{2}$  inches wide by  $32\frac{1}{2}$  inches long;<sup>1</sup> while in Nebraska, at the presidential election of 1912, the ballot measured 8 feet 2 inches by 6 inches. At the first direct primary election in New York City,<sup>2</sup> under the law of 1911, the ballot used by the Republican voters was 14 feet in length.

(2) Some States permit each party to select some distinctive emblem to appear at the head of the column on the official ballot containing the names of

<sup>1</sup> P. L. Allen, *op. cit.*; J. W. Garner, in Am. Pol. Sci. Assn. *Proceedings*, IV, 164 (1907).

<sup>2</sup> Held March 26, 1912.

the party candidates. This is for the benefit of illiterate voters. There is the greatest variety in the choice of emblems even for the same party in different sections of the country. Perhaps the most common are the eagle for the Republican party and a cock for the Democratic party.<sup>1</sup>

(3) Regarding the means for marking ballots there is also no uniformity, although most States require the use of an ordinary black lead-pencil. Stamps are permitted in four States, ink in West Virginia, and an indelible pencil in Maryland.<sup>2</sup>

(4) As regards the place of marking on the ballot, there is likewise no complete uniformity. In some States marking must be made at the right of the candidate's name, while in others it is permissible to mark at the left of the candidate's name; and in Wisconsin, at least, it is permissible to make the mark *under* the name of the candidate.



Massachusetts  
and Indiana  
types of  
ballot

(5) The arrangement of candidates' names on the ballot has a great influence on the result of the election both as regards the freedom of the voter in making his choice and the accuracy with which he records his choice. Two main types of Australian ballot are to be found in this country. One is called the "Massachusetts" type. Here the names of candidates are grouped under the title of the office sought, and arranged in alphabetical order, with some indication of the party to which each candidate belongs. The voter is required to make a cross *opposite the name of each candidate* for whom he desires to vote. The other and more common type is known as the "In-

<sup>1</sup> See P. L. Allen, *op. cit.*

<sup>2</sup> *Ibid.*

FOR WHOM HE VOTES.  
 NOTE, HE MAY VOTE FOR CANDIDATES FOR  
 OFFICE, IF THEY ARE NOT PRINTED UPON THE  
 BALLOT, HE COUNTED HEREON.

 <b>REPUBLICAN PARTY.</b>		<b>INDEPENDENT NOMINATIONS.</b>  <b>CITIZENS' UNION.</b>		<b>BLANK COLUMN.</b>	
For Governor, <b>HENRY L. STEWART,</b> PARRAMUNO.		For Justice of the Supreme Court for the Second Judicial District, <b>GARRET J. GARRETTSON.</b>		For Governor,	
For Lieutenant-Governor, <b>EDWARD SCHONBERG,</b> HUNTER.		<b>SAMUEL T. MADDOX.</b>		For Lieutenant-Governor,	
For Secretary of State, <b>SAMUEL S. KOENIG,</b> KONIG.		<b>HARRINGTON PUTNAM.</b>		For Secretary of State,	
For Comptroller, <b>JAMES THOMPSON,</b> LUDWIG.				For Comptroller,	
For Treasurer, <b>THOMAS F. FROHMAN,</b> WALTERS.				For Treasurer,	
For Attorney-General, <b>EDWARD R. O'KALLA,</b> ALBUITE.				For Attorney-General,	
For State Engineer and Surveyor, <b>FRANK M. WILLIAMSON,</b> D. CROWLEY.				For State Engineer and Surveyor,	
For Associate Judge of the Court of Appeals, <b>IRVING G. VANN,</b> FREDERICK COLLIS.				For Associate Judge of the Court of Appeals,	
For Justice of the Supreme Court of the Second Judicial District, <b>GARRET J. GARRETTSON.</b>				For Justice of the Supreme Court for the Second Judicial District,	
<b>SAMUEL T. MADDOX.</b>					
<b>HARRINGTON PUTNAM.</b>					
For Surrogate, <b>RAWDON W. KELLOGG.</b>				For Surrogate,	
For Representative in Congress from the Fourteenth Congressional District, <b>VICTOR HUGO DURAN.</b>				For Representative in Congress for the Fourteenth Congressional District,	
For Senator for the Second Senate District, <b>DANA WALLACE.</b>				For Senator for the Second Senate District,	
For Member of Assembly for the First Assembly District, <b>HENRY G. JOHNSON, JR.</b>				For Member of Assembly for the First Assembly District,	



To vote a Straight Party Ticket, Mark a cross "X" in the Square in the First Column, Opposite the name of the Party of your Choice.  
A Cross Mark in the Square Opposite the Name of any Candidate, Indicates a Vote for that Candidate.

# FIRST COLUMN

To Vote a Straight Party Ticket,  
Mark a Cross (X) in This  
Column

REPUBLICAN	
DEMOCRATIC	
PROHIBITION	
SOCIALIST	
INDEPENDENT	
INDUSTRIALIST	
KEYSTONE	
WORKINGMEN'S LEAGUE	

Governor (Mark One)	
John E. Tamm	<div> <div>Republican</div> <div>Workingmen League</div> </div>
Walter Odum	Democratic
Mathias J. Larkin	Prohibition
John W. Morgan	Socialist
George Austin	Industrialist
William H. Berry	Expatriate

Lieutenant Governor (Mark One)	
John M. Reynolds	<div> <div>Republican</div> <div>Workingmen League</div> </div>
Thomas H. Greary	Democratic
Charles E. McCuskey	Prohibition
Leola Cohen	Socialist
Wm. H. Thomas	Industrialist
D. Clarence Gibney	Expatriate

Secretary of Internal Affairs (Mark One)	
Henry Beach	<div> <div>Republican</div> <div>Workingmen League</div> </div>
James I. Mahan	Democratic
Charles W. Huntington	Prohibition
Reuben Sykes	Socialist
James Smith	Industrialist
John J. Casey	Expatriate

Representative in Congress (Mark One)	
Charles E. Nelson	<div> <div>Republican</div> <div>Prohibition</div> </div>
William C. Egle	Democratic
George W. Fox	Socialist

Senator in General Assembly (Mark One)	
Joseph Alexander	Republican
Samuel Cooper Street	Democratic
Samuel C. White	Prohibition
Daniel M. Caldwell	Socialist
Frederic B. Sanford	Independent

Representative in General Assembly (Mark One)	
J. Calvin Meyer	<div> <div>Republican</div> <div>Democratic</div> </div>
James Harvorth	Prohibition

THE MODIFIED MASSACHUSETTS TYPE OF BALLOT USED IN PENNSYLVANIA.



To vote for a Person, mark a Cross X in the Square at the right of the Party Name, or Political Designation. X		To vote for a Person, mark a Cross X in the Square at the right of the Party Name, or Political Designation. X	
<b>GOVERNOR.....Mark ONE.</b>		<b>COUNCILOR—Sixth District.....Mark ONE.</b>	
EDEN S. DRAPE—of Boston.....	Republican	HENRY G. BURKE—of Lowell.....	Socialist
JOHN A. NICHOLS—of Boston.....	Prohibition	CHARLES B. CALLAHAN—of Lowell.....	Democratic
MURPHY E. BUTLER—of Boston.....	Socialist Labor	ROBERT E. FLETCHER—of Boston.....	Republican
JAMES H. VAHEY—of Worcester.....	Democratic		
DANIEL A. WHITE—of Boston.....	Socialist		
<b>LIEUTENANT GOVERNOR.....Mark ONE.</b>		<b>SENATOR—Eight Middlesex Districts.....Mark ONE.</b>	
ROBERT H. FORD—of Boston.....	Democratic	HENRY J. DRAPE—of Lowell.....	Democratic
LOUIS A. PROTHINGHAM—of Boston.....	Republican	JOSEPH H. HIBBARD—of Lowell.....	Republican
GEORGE G. HALL—of Boston.....	Socialist	JOHN J. MCCANN—of Lowell.....	Socialist
HERBERT E. KNIPS—of Boston.....	Prohibition		
LAURENCE TAYLOR—of New Bedford.....	Socialist Labor		
<b>SECRETARY.....Mark ONE.</b>		<b>REPRESENTATIVE IN GENERAL COURT.....Mark ONE.</b>	
DAVID T. CLARK—of Worcester.....	Democratic	Twelfth Middlesex District.	
HARVEY DORRAT—of Lowell.....	Socialist	JAVILLION W. LONGLEY—of New York.....	
HENRY C. BROS—of Boston.....	Socialist Labor		
WILLIAM C. MERRILL—of Boston.....	Prohibition		
WILLIAM M. GLAN—of Boston.....	Republican		
<b>TREASURER.....Mark ONE.</b>		<b>COUNTY COMMISSIONER—Middlesex.....Mark ONE.</b>	
JAMES H. BRYAN—of Worcester.....	Democratic	PATRICK CONLON—of Lowell.....	
JAMES B. CARD—of Cambridge.....	Socialist	ROBERT J. KELLY—of Lowell.....	
DAVID CRAIG—of Woburn.....	Socialist Labor	SAMUEL G. UPHAM—of Boston.....	
DANIEL FARLIN—of Worcester.....	Prohibition		
ELMER A. SYMONS—of Boston.....	Republican		
<b>AUDITOR.....Mark ONE.</b>		<b>COUNTY TREASURER—Middlesex County.....Mark ONE.</b>	
ALVIN BOYER, Jr.—of Cambridge.....	Democratic	JOSEPH O. HAYDEN—of Boston.....	
CHARLES A. CROCE—of Worcester.....	Prohibition	ANDREW B. BOBBS—of Cambridge.....	
STYVEN J. MCGIBBS—of Worcester.....	Socialist	DEXTER C. WHITTEMORE—of Boston.....	
JEREMIAH P. McNALLY—of Boston.....	Socialist Labor		
HENRY E. TURNER—of Boston.....	Republican		
<b>ATTORNEY-GENERAL.....Mark ONE.</b>			
HENRY M. DEAN—of Pittsfield.....	Prohibition		
JOHN A. FREDRICKSON—of Boston.....	Socialist Labor		
DANA MALONE—of Worcester.....	Republican		
HARVEY M. BRIDGES—of Boston.....	Democratic		
JOHN WEAVER BISHMAN—of Boston.....	Socialist		

THE MASSACHUSETTS TYPE OF BALLOT.

diana," or "party-column" type. Here the candidates for each party are grouped together in "party columns" under the appropriate offices, and some provision is made whereby a voter may vote a straight party ticket with the minimum of effort, as, *e. g.*, by putting a single cross in the "party square" or "party circle" at the head of the column. A combination of important features in each type is to be found in some States, notably Pennsylvania. Five variations of the Massachusetts type have been noted. (a) Names are grouped by offices, but instead of being arranged in alphabetical order they are printed in some *order of parties*, with the party name after the name of each candidate. In some States the names of Republican candidates always stand first, while in others the names of Democratic candidates take precedence. (b) The names are not printed in alphabetical order, but those for each office are merely printed in a close group without any ruled line to separate them, with party designations, and *the voter merely strikes out all the names he does not vote for*. (c) Names appear in alphabetical order, grouped by offices, *but the party designation of each is omitted*. (d) The names are grouped by offices, in alphabetical order, with party designation, but across the top of the ballot is printed: "I hereby vote a straight ——— ticket, except where I have marked opposite the name of some other candidate." *The voter writes in the name of the party he wishes to support in the blank space*. (e) The names are grouped by offices, with party designation, *but a space is provided somewhere for voting a straight ticket*, as in Pennsylvania and Nebraska.

Variations  
of the  
Massa-  
chusetts  
type

Massachusetts type encourages, party-column type discourages, independent voting

It is impossible to say which type of ballot is best. We know that the straight-ticket circle or square, characteristic of the "party-column" ballot, discourages independent voting, which is another way of saying that it improves the chances of the bad candidates being pulled through by the popularity of the good candidates who may head the party ticket. With reference to *the relative ease of independent voting* with different kinds of ballots, the States may be placed in five groups: To illustrate, let us suppose that at a certain election ten elective positions are to be filled. A and B go to the polls together, A intending to vote for ten Republicans, while B prefers nine Republicans and one Democrat. If they live in Massachusetts, they must each mark the names of their chosen candidates separately, and are on an exact equality, with ten crosses apiece. If they live in New York, they each make one mark in the Republican party circle, while B thereafter makes a second mark opposite the chosen Democrat. If they live in Michigan, B, besides his extra mark, simply draws a line through the name of the Republican nominees for the same office. If they live in Indiana, A makes his single mark in the Republican circle, as before, but B is not allowed so to do. He must mark his nine Republicans and one Democrat separately. If they live in Missouri, finally, both A and B select the Republican ballot from a bundle of separate strips handed them at the polls, and B, scratching out one name, writes in that of his Democrat, while A deposits his slip unaltered. There are thus some States where B would be put to ten times as much trouble as A; there are

other States where B would be put to twice as much trouble as A; there are still other States where A and B would make the same number of marks.<sup>1</sup>

Just how much influence these differences have on the result of elections it is, of course, impossible to say; but a study of votes in 1904, when State officers as well as President and Vice-President were to be voted for, shows the following results:<sup>2</sup>

**Influence  
of type  
of ballot  
upon in-  
dependent  
voting**

(1) Where the marking of each individual candidate is compulsory, as in Massachusetts, the voters exercised the greatest degree of discrimination.

(2) Next come those States<sup>3</sup> in which, while the straight-ticket voters are favored by being allowed to record their choice at a single operation, the "split-ticket" voter is not put to the necessity of marking his candidates one by one.

(3) Of lowest rank as to amount of independent voting are those States<sup>4</sup> which require writing in or pasting of names for split-ticket voting and the marking of every candidate.

(4) No evidence appears that the alphabetical arrangement of names when grouped by offices had any effect to encourage independence. Nor is there anything to show that the grouping by offices itself is any more favorable to independent voting than the party-column plan, provided the rules for marking are the same.<sup>5</sup>

It is important to note in this connection that in

<sup>1</sup> P. L. Allen, in *The Outlook*, LXXXIV, 125 (1906).

<sup>2</sup> P. L. Allen, in *Pol. Sci. Quar.*, XXI, 847 (1906).

<sup>3</sup> For example, New York.

<sup>4</sup> For example, Indiana and Missouri.

<sup>5</sup> P. L. Allen, in *Pol. Sci. Quar.*, XXI, 847 (1906).

Independent  
voting in-  
creasing

recent years there has been a striking growth in the number of those voters who discriminate between the several candidates instead of voting the straight party ticket. The proportion of voters who have made opposite decisions upon State and national issues, preferring a President of one party and a governor of another, was, in 1896, .38 per cent; in 1900, 1.22 per cent; and in 1904, 7.57 per cent; indicating more than six times as many discriminations in 1904 as in 1900 and more than nineteen times as many as in 1896. This was the *general* average; in particular States the record (1904) went far above those figures. Comparing the vote of a party's best-running candidates and the vote of those who made the poorest showing, we find ten States in which the degree of discrimination shown was 10 per cent or over: Minnesota, 31.07 per cent; Washington, 22.63; Montana, 18.38; Michigan, 17.01; Kansas, 16.51; Massachusetts, 15; Nevada, 14.27; Wisconsin, 12.99; Rhode Island, 11.87; Wyoming, 10.34. In all the previous presidential elections only one instance has been found of more than 10 per cent "ticket-splitting."<sup>1</sup> These facts constitute one of the most encouraging features connected with present-day practical politics. They indicate an increasing disposition on the part of the average voter to exercise his own independent judgment in selecting the candidates for whom he will cast his vote, the weakening of party ties, and the increasing reluctance of voters to be whipped into line to vote for all candidates of their party, good, bad, or indifferent. The fact that our elections do not always

<sup>1</sup> P. L. Allen, in *The Outlook*, LXXXIV, 124 (1906).

or for any great length of time go the same way tends to prove that the independent voters hold the balance of power in this country.<sup>1</sup>

Among the serious *defects of our American system of elections* is (1) the frequency with which elections occur in many States. Thus, we have the election of President every four years, the election of congressmen and many State officers every two years, while many local and county officers are elected annually. These frequently recurring elections make it impossible for the average citizen, necessarily busy with his own affairs, to take and maintain permanently a proper interest in the nomination and election of the best candidates without seriously neglecting his own business. This condition goes far toward explaining the existence and influence of the professional politicians, who devote their entire time to politics and make it their business to assist in making nominations and in electing their candidates.

Serious defects in our election system: (1) Frequency of elections

(2) The election of local, State, and Federal officers on the same day, with their names appearing on the same ballot, as a rule, results in serious confusion of national, State, and local issues, oftentimes to the great detriment and injury of the State and locality. To remedy this, some States have so arranged their elections that the leading State and local officers are chosen in the intervals between presidential or congressional elections.

(2) Concurrence of local, State, and national elections

(3) Another serious defect in our election system is the vast number of offices filled by popular vote. Add to this the fact that there is seldom an election

<sup>1</sup> *Ibid.*

(3) Ex-  
cessive  
number  
of elec-  
tive offices

in which there are not two or more candidates for the same office, and the task of the voter in making an intelligent choice becomes exceedingly complicated, if not impossible of performance. In a recent election in New Jersey, for example, the official ballot contained the names of 164 candidates. The ballot used in Cook County, Illinois, at the presidential election in 1912 contained six party columns and the names of 423 candidates for twenty-nine offices. The primary ballots in some cities are even more complex, especially where delegates are to be chosen to nominating conventions. For example, an actual primary ballot in the thirty-second assembly district in New York City contained the names of 835 candidates, chiefly made up of delegates to various conventions. It has been stated that the number of elective city, county, and State offices which the people of New York City are called upon to fill by popular election every four years is nearly five hundred, and that in Chicago and Philadelphia the number of offices filled by popular election is still greater.<sup>1</sup>

As re-  
sults we  
have: (1)  
"Blind"  
voting

Several most grave consequences have followed from this multiplicity of elective offices with the resulting complex and confusing ballot. It is absolutely impossible for any considerable number of voters to form an intelligent opinion of the merits of a long list of candidates, even where elections occur at rare intervals, much less when they occur with their present frequency. At almost every election there is a large number of candidates about whom even intelligent and conscientious voters know very little if anything.

<sup>1</sup> C. A. Beard, in *Pol. Sci. Quar.*, XXIV, 588 (1909).

The following illustrations show in what complete ignorance of the qualifications, even of the very existence of candidates, many voters act. Recently at a direct primary held in Massachusetts there was a Progressive Democratic party in addition to the regular Democratic party. In Winthrop the Progressive Democrats omitted to name any one as candidate for the legislature. For this office, however, one unknown voter in Winthrop at the primary election wrote on his ballot the name of "James O'Connell" on the Progressive ticket. Since no other nominations were made by that party this single vote constituted the highest number of votes on the Progressive ticket for that office. The secretary of state, therefore, acting in conformity to the law, had the name of "James O'Connell" printed on the official ballot for the district. At the regular election which followed, "James O'Connell" received 735 votes in the district, 316 of which were cast in Winthrop. It was afterward discovered that no such person as "James O'Connell" existed in that district. Nevertheless, he had beaten one real man on the ticket, although he was not elected. Oil City, Pennsylvania, a few years ago nominated and actually *elected* a dead man. Philadelphia has several times elected imaginary men to some of the petty offices with which the long Pennsylvania ballots are burdened, as a means of facilitating and concealing election frauds.<sup>1</sup>

Another result is that the only candidates whose merits are seriously discussed on the stump and in the press are those seeking the office of mayor in a mu-

<sup>1</sup> *Short Ballot Bulletin*, February, 1912.



(2) Discussion of the merits of few candidates

municipal election and the candidates for governor in a State election and the presidential candidates. Upon these leading candidates there is a concentration of interest and discussion, to the neglect of practically the entire balance of the ticket.

(3) "Boss" and "machine" control of nominations

Furthermore, the great number of elective offices necessitates "slates" and combinations, and constitutes one of the bulwarks of machine politics. For offices have to be filled and, therefore, nominations have to be made. Somebody must discover when each officer's term expires and see to it that the names of the candidates are on the ballot in due form according to the provisions of the election law.<sup>1</sup> Since the average voter is too busy with his own affairs, the professional politicians have taken the matter into their hands. The result is that at the regular election (except where the direct primary prevails, and often even there) the ballot has become only a ratification of the "slates" made by the experts and not the express will of the voters. Taking advantage of the inability of the voters to discriminate between a large number of candidates, the politicians judiciously select a few honest and respectable candidates to head the ticket, confidently expecting that their popularity will carry into office a large number of incompetents or rascals whose names appear as candidates for the minor offices. "The folly of obliging the people to decide at the polls upon the fitness of a great number of persons lies at the bottom of almost all the misgovernment from which we suffer not only in cities but in the States."<sup>2</sup>

<sup>1</sup> Beard, *op. cit.*

<sup>2</sup> Quoted in Beard, *op. cit.*

Good government is mainly a matter of getting the right men elected to office; nothing else is more vital. To achieve this is all a matter of arranging for the maximum amount of concentrated public scrutiny at the election.<sup>1</sup> There is a false notion widely prevalent and promoted by the professional politicians to the effect that the more elective offices we have the more democratic is our government. On the contrary, the inability of the average voter to attend to the work of making nominations for so many offices and to discriminate between the candidates nominated has virtually resulted, especially in our great cities, in government by an oligarchy of professional politicians rather than in truly democratic government. Our government would in reality be more democratic if we elected only a few officers and gave them the power to fill by appointment the vast majority of the offices which are now filled by election.<sup>2</sup> The functions performed by the majority of elective officials are purely administrative or ministerial, and are quite minutely prescribed by statute. Practically none of their duties are of a discretionary nature or depend upon their political views.<sup>3</sup> By concentrating public attention upon the merits of the candidates for a few of the most important offices, it is believed that vastly better and more democratic government would result.

The short ballot movement is the name given to the reform movement which aims to bring about a reduc-

<sup>1</sup> R. S. Childs, in *The Outlook*, XCII, 635 (1909).

<sup>2</sup> Lyman Abbott, in *The Outlook*, XCVI, 75 (1910).

<sup>3</sup> Beard, *op. cit.*

Best remedy, the "short ballot"

tion in the number of elections and elective offices and thus to simplify and shorten our present "blanket" ballots. In order to obtain an intelligent study of candidates and, therefore, intelligent voting, "we must shorten the ballot to a point where the average man will vote intelligently without giving to politics more attention than he does at present." That means making it very short. The average voter can probably remember the relative merits of about five sets of candidates, but no more.<sup>1</sup> The vast majority of elective offices, the less important ones, must be taken from the ballot and made appointive. So far from being undemocratic, this would be merely applying to municipal and State politics the system prevailing in connection with the Federal offices. Only the President, Vice-President, senators, and representatives in Congress, out of nearly 400,000 Federal office-holders, are voted for directly or indirectly by the people. All the rest are appointed, not elected. Already, therefore, we have the short ballot in our Federal system, where the highest degree of efficiency prevails, and no one thinks of calling our Federal Government undemocratic. "The effort to obtain the short ballot should begin in a reform of the central government of the States, by giving the governor power to appoint all the executive officials just as the President of the United States appoints the heads of departments. No good reason can be advanced why purely administrative officers, like auditors, treasurers, and secretaries, should be elected, for they have no large discretionary power and no share in shaping the pol-

<sup>1</sup> R. S. Childs, *op. cit.*

icy of the administration.”<sup>1</sup> Except in the field of city government, however, no constitutional or statutory changes embodying the short ballot principle have yet been secured, but the stage which the movement has reached in several States makes it probable that a substantial beginning will be made in the near future.<sup>2</sup>

### QUESTIONS AND TOPICS

1. What was the expected and the actual effect of the adoption of the Australian ballot in the United States upon corruption and intimidation at the polls? (See Ostrogorski, II.)

2. The history of the adoption of a written or printed ballot in England.

3. The advantages of the Massachusetts type of ballot. (See Jones.)

4. In what presidential elections has the independent vote apparently played a decisive part?

5. The new (Levy) election law (1911) in New York and its defects. (See Bard.)

6. The “Wilson ballot” in Maryland politics. (See Bradley.)

7. The new form of ballot adopted in Wisconsin in 1910. (See Ludington.)

8. Voting-machines: where authorized, how operated, advantages and disadvantages?

9. Collect all the arguments you can for and against party “regularity” and independent voting.

10. Instances where violence and intimidation have been resorted to in elections. (See Jones.)

11. College students as volunteer “watchers” in city elections. (See *Intercollegiate Civic League Reports*, 1909-1910.)

12. The increase in the number of elective offices since the Revolution.

<sup>1</sup> Beard, *op. cit.*

<sup>2</sup> Arthur Ludington, in *Am. Pol. Sci. Rev.*, V, 79 (1911).

13. Make a complete list of all the officers and delegates elected in your town (city) and county every four years, indicating when the term of each officer expires.

14. What steps are prescribed by law in your own State for the official canvass of votes for State and county officers, and for contesting elections?

15. The "preferential" ballot and how it operates. (See Hull.)

### BIBLIOGRAPHY

Allen, P. L., "The Trend Toward a Real Democracy," in *The Outlook*, LXXXIV, 120 (1906).

— "Ballot Laws and Their Workings," in *Pol. Sci. Quar.*, XXI, 38 (1906).

— "The Multifarious Australian Ballot," in *No. Am. Rev.*, CXCI, 602 (1910).

Bard, A. S., "The Levy Election Law" in New York, in *Pol. Sci. Quar.*, XXVII, 36 (1912).

Beard, C. A., *American Government and Politics*, ch. 30.

— "The Ballot's Burden," in *Pol. Sci. Quar.*, XXIV, 588 (1909). A strong plea for the short ballot.

Bishop, C. F., *History of Elections in the American Colonies*.

Bradley, V. S., *The Wilson Ballot in Maryland Politics*. (Pamphlet, 1911.)

Chadbourne, W. M., "Party Loyalty," in *Intercollegiate Civic League Report* (1909), pp. 55-57.

Childs, R. S., "The Short Ballot," in *The Outlook*, XCII, 635 (1909). Also in pamphlet form, obtainable in quantities from the Short Ballot Organization, New York City.

— "Ballot Reform: Need of Simplification," in *Am. Pol. Sci. Assn. Proceedings*, 65 (1909).

— "Politics without Politicians." Pamphlet issued by the Short Ballot Organization, reprinted from *Saturday Evening Post*, January 22, 1910.

— "The Short Ballot and the Commission Plan," in *Annals*, XXXVIII, 816 (1911).

— *Short-Ballot Principles* (1911).

City Club of Chicago, *The Short Ballot in Illinois*. (Pamphlet, 1912.)

- Finch, E. R., "The Fight for a Clean Ballot," in *The Independent*, LXVIII, 1020 (1910). On repeating in New York City.
- Fuller, R. H., *Government by the American People* (1908). Much information in small compass regarding election laws, especially in New York.
- Garvin, L. F. C., "The Shortest Ballot," in *The Independent*, LXIX, 1153 (1910).
- Giddings, F. H., "The Nature and Conduct of Political Majorities," in *Pol. Sci. Quar.*, VII, 116 (1892).
- Glasson, W. H., "The Australian Voting System," in *South Atlantic Quarterly*, April, 1909.
- Hamm, W. C., "A Study of Presidential Votes," in *Pol. Sci. Quar.*, XVI, 50 (1901).
- Hartwell, C. S., "Fraud by Marked Ballots," in *The Outlook*, LXXV, 656 (1903).
- Hull, R. M., "Preferential Voting and How It Works," in *National Municipal Review*, I, 386 (1912).
- Jones, C. L., *Readings on Parties and Elections in the United States* (1911).
- Kennan, George, "Holding-Up a State," in *The Outlook*, LXXIII, 432 (1903). Operation of the "assistance" clause in Delaware.
- Low, Seth, "Party Allegiance," in *Intercollegiate Civic League Report* (1910), 57 ff.
- Lowell, J. R., "The Place of the Independent in Politics," in *Writings*, VI, 190 ff. (Riverside edition.)
- Ludington, Arthur, "Present Status of Ballot Laws in the United States," in *Am. Pol. Sci. Rev.*, III, 252 (1909).
- "Ballot Laws," in *Am. Pol. Sci. Rev.*, IV, 63 (1910). Describes the new Wisconsin ballot.
- "Progress toward Ballot Reform in New York and Pennsylvania," in *Am. Pol. Sci. Rev.*, IV, 207 (1910).
- "Progress of the Short Ballot Movement," in *Am. Pol. Sci. Rev.*, V, 79 (1911).
- "Ballot Legislation of 1911," in *Am. Pol. Sci. Rev.*, VI, 54 (1912).
- McAneny, George, "Independence or Non-Partisanship in Municipal Politics," in *Intercollegiate Civic League Report* (1910), p. 67 ff.

- McArthur, P., "The Science of Political Corruption," in *The Forum*, XLVII, 26 (1912).
- Ostrogorski, M., *Democracy and the Organization of Political Parties*, II. (See index.)
- Outlook, The*, XCVIII, 695 (1911), "Tammany's Grip." On the Levy election law for New York.
- XCII, 829 (1909), "The Short Ballot Again."
- XCVI, 334 (1910), "Tammany's Opportunity."
- Pennsylvania Commission to Revise and Codify the Election Laws in Pennsylvania, *Report* (1911).
- Prentice, Ezra P., "Party Allegiance and College Men in Politics," in *Intercollegiate Civic League Report* (1909), p. 58.
- Ruppenthal, J. C., "Election Reforms: The Trend toward Democracy," in *Annals*, XXVIII, 411 (1906).
- Shaw, W. B., "Good Ballot Laws and Bad," in *The Outlook*, LXXXI, 863 (1905). Specimen ballots shown.
- Short Ballot Bulletin*, published bi-monthly by the National Short Ballot Organization, New York City.
- Spooner, J. C., "Necessity for Partisanship," in *Intercollegiate Civic League Report* (1909), p. 71.
- Taylor, C. F. (editor), *Equity*. A quarterly journal devoted to direct primary legislation, preferential voting, the short ballot, and the initiative, referendum, and recall. (Philadelphia.)
- Wigmore, J. H., *The Australian Ballot System as Embodied in the Legislation of Various Countries*, 2d edition (1889).
- Wilson, Woodrow, "Hide and Seek Politics," in *No. Am. Rev.*, CXCI, 585 (1910).
- Woodburn, J. A., "Political Independence and Party Loyalty," ch. 21 in *Political Parties and Party Problems*.
- Woodruff, C. R., "Election Methods and Reform in Philadelphia," in *Annals*, XVII, 181 (1901).
- "One Phase of Philadelphia's Election Frauds," in *The Independent*, LII, 3106 (1900).

## *PART FOUR*

### THE PARTY IN POWER

#### CHAPTER XIV

##### THE SPOILS SYSTEM. ITS ORIGIN AND DEVELOPMENT. EVILS OF THE SYSTEM

The immediate object of political parties is to obtain control of the local, State, or national government through the carrying of elections. By statesmen this end is ardently sought because it will afford opportunity for enacting into law the policies or principles to which their party stands committed. Moreover, it renders possible the proper enforcement of those laws and the execution of those policies through administrative officers who are in sympathy with them. By the mere party worker, by the "practical" or "machine" politician, on the other hand, the control of the government is sought from quite different motives. He has continually in mind a fact which the average citizen rarely considers, namely, that, whereas the number of elective offices is small, there is a veritable host of minor offices filled by appointment, and that the appointments to these offices are made by the comparatively few elected officers. The practical politician knows that there is scarcely an elected official in the United States who does not have the right

**Motives  
of states-  
men and  
mere poli-  
ticians**



to appoint one or more subordinates. While the average citizen is weighing the respective personal merits of A, B, C, and D as candidates for President, governor, mayor, or member of Congress, or decides to vote for them in preference to W, X, Y, and Z, because of the policies for which they stand, the practical politician supports A, B, C, and D simply because they are the men regularly named or indorsed by his party organization, and because it is to his interest to give loyal support at all times to the candidates of his party regardless of qualifications or policies, to which, indeed, he seldom gives any thought. It is to his interest so to act because victory for his party at the election means that his party leaders will directly or indirectly have a large number of subordinate offices, filled by appointment, to distribute as rewards to faithful and diligent party workers, and in this distribution of prizes he hopes to share. It is for this reason that the elections of the chief executive or administrative officers in the local, State, or national government and members of local, State, or national legislatures are the most warmly contested and made the objects of such strenuous activity among politicians. They realize that in the Federal civil service<sup>1</sup> alone there are nearly four hundred thousand positions to which appointments are made directly or indirectly by the President and members of his cabinet, and that the aggregate salaries of these offices is

State and  
Federal  
offices  
filled by  
appoint-  
ment

<sup>1</sup> The civil service comprises the executive branch of the public service as distinguished from the military, naval, legislative, and judicial branches. The civil service is divided into two parts: political and non-political. (1) The political part comprises the positions essential to carrying out the policy of the administration which has been ap-

probably at least \$200,000,000. They know, too, that in our States, cities, and towns there are offices filled by appointment by elected officers that in the aggregate come to an even larger number.

With a change in the chief administrative officers of a city, town, State, or of the Federal Government, there is presented the opportunity for an extensive redistribution of the minor offices. The same is true, in smaller degree, in the election of members of the different legislative bodies. With the opportunity comes the temptation for a victorious candidate, or his party acting through him, to use the patronage attached to his office as a means of rewarding his personal and political friends and weakening the opposing party. The temptation appeared early in American history, and early it proved irresistible. Since the time of Andrew Jackson, and even before his election to the Presidency, successful candidates have claimed as matter of right the partisan advantages of success. They have seen nothing wrong, or have shut their eyes to the wrong, in the rule that "to the victors belong the spoils of the enemy." To this practice of using the patronage connected with elective offices as a reward for personal and party services the term "spoils system" has been applied.

Origin of  
spoils  
system

The framers of the Constitution unconsciously prepared the way for the introduction of the spoils system into national affairs. They inserted in the Con-

proved by the people at the polls. (2) The second part embraces the positions which are subordinate and ministerial. *New Encyclopedia of Social Reform*. The right to control the distribution of subordinate offices in the civil service is called "patronage." The term is also applied to the offices themselves.

**Federal  
Constitu-  
tion pre-  
pared  
way for  
spoils  
system**

stitution a section providing that the President should "nominate, and by and with the advice of the Senate, appoint" ambassadors, judges of the supreme court, and "all other officers of the United States" whose appointments were not otherwise provided for in the Constitution itself, and "which shall be established by law."<sup>1</sup> In the same section of the Constitution, Congress was authorized to vest the appointment of "inferior officers" in "the President alone, in the courts of law, or in the heads of departments." So far as the courts are concerned, Congress has by appropriate legislation conferred upon them the power to appoint their own clerks, reporters, and stenographers. These positions, however, are not included when the spoils system is under consideration. Congress has likewise vested the appointment of a comparatively few officials, including the librarian of Congress, in all less than one thousand, in the President alone. The remainder of the "inferior officers" are appointed directly or indirectly by the heads of departments, who are themselves nominated by the President and confirmed by the Senate. It is with these inferior officers that the spoils system is concerned.

**Presi-  
dent's  
power of  
removal**

It was decided as early as 1789 that the power to appoint implies the power to remove from office. Such power is absolutely essential to an efficient government, but it carries with it the opportunity for its grave misuse in the promotion of purely partisan ends. It puts enormous power in the hands of the President and heads of departments, since it places almost every position in the civil service unconditionally at

<sup>1</sup> Article II, section 2.

their pleasure. It is hardly too much to say that the spoils system is really little more than a perversion of the right of removal, its prostitution to merely partisan uses. At the present time the President has the power to remove at discretion all officers whom he appoints directly or through the members of his cabinet, except judges of the Federal courts, and military and naval officers who ordinarily have a right to trial by a court-martial before removal.

Down to 1820 it was tacitly understood that the subordinate officers and employees of all kinds in the Federal civil service should hold their office during good behavior. Presidents and heads of departments exercised their power of removing subordinates rarely, and seldom, if at all, for merely partisan purposes. In 1820 an act was passed by Congress which limited to four years the term of district attorneys, collectors, naval officers, navy agents, surveyors of customs, paymasters, and several other less important Federal officers. This was an innovation which, under President Jackson, developed into a revolution in the term and tenure of office. With a fixed term, offices were vacated automatically, and it became possible to make a redistribution without the inconvenience attending formal removals. Every four years these offices could be used as rewards to party workers, or personal friends, without subjecting the appointing officers to the necessity of avowing partisan motives. In this way the "spoils" could be shared by a much larger number of individuals than was possible under a tenure of good behavior.

Four-year-  
tenure  
act  
of 1820

It was not, however, until the administration of

President Jackson that the practice was inaugurated of systematically displacing officers and employees of all kinds merely because they did not agree in politics with the President for the time being. But even President Jackson did not make the "clean sweep" in the Federal offices with which he has frequently been charged.<sup>1</sup> Such changes, however, as were made during his two administrations were made openly and avowedly from partisan considerations, whereas before his time such motives, if they existed, were not avowed publicly.

The act  
of 1836

The last year of President Jackson's second term saw the enactment of another law which greatly facilitated the extension of the spoils system, and completed "the partisan revolution in the politics and official life of the country." That act required that all postmasters whose compensation was \$1,000 a year or upward should be appointed by the President and confirmed by the Senate, and that their term of office should be four years. They were made removable at the pleasure of the President. The four-year tenure established by the acts of 1820 and 1836 did not extend to the clerks or other inferior officers in the great departments at Washington, or to subordinates of postmasters, of collectors, or of naval or other officers named in the statutes. But as their removal could be effected without a special act, it was not long before it became the practice to remove even these upon the accession of each new superior. From Jackson's administrations to the enactment of the civil service act of 1883, the whole Federal civil service was shaken

<sup>1</sup> C. R. Fish, *Civil Service and the Patronage*, 181.

up more or less thoroughly every four years by removals. And the four-year rule is still in existence. It applies to the most important Federal officials, including, in addition to those already named, the chiefs of many bureaus, the governors and judges of the territories, Indian agents, and pension agents.

Underlying the four-year tenure acts of 1820 and 1836 was the principle of "rotation in office." This became almost universally accepted in Jackson's time, and it greatly facilitated, and in a large measure explains, the rapid extension of the spoils system in national and State politics. In the period when the new democracy was spreading like wildfire "rotation in office" was held to imply democracy and equality. It was defended on the ground that it stimulated men to exertion in behalf of their party, fostered ambition to serve the country or neighborhood by opening up the possibility of holding office to a vastly greater number than could expect to hold office under the tenure of good behavior. Furthermore, it was a protest against the existence of what was regarded as a stiff, arrogant, and aristocratic official caste, and a convenient formula for the belief that one man was as good as another; or, as George III said, "every man is good enough for any place he can get."

Rotation in office at first related to changes in the civil service only when one party supplanted another in the control of the government. But after 1857 the practice came to be applied every time a new administration came in, although of the same party as the preceding administration. It treated the public service as "a huge soup house in which needy citizens

are to take turns at the table, and they must not grumble when they are told to move on." Yet rotation was never applied universally in the Federal civil service. For many men secured a long intermittent term of service by coming into office whenever their party came to power, even though they were removed by the other party. Furthermore, a large residuum, often composed of those performing the most technical duties, were always left in their places, by whom the continuity of departmental traditions was preserved. The advance of democratic sentiment between 1820 and 1850 evolved a great and growing volume of political work to be done in managing primaries, conventions, and elections for offices in the city, State, and national governments. Men were needed who could give to this work constant and undivided attention. These men, the plan of rotation in office provided. Those whose bread and butter depended on their party could be trusted to work for their party, to enlist recruits, look after the organization, and play electioneering tricks from which ordinary party spirit might recoil.<sup>1</sup> The leaders of the Whig party had strenuously denounced the perversion of the Federal civil service to partisan purposes under President Jackson, but when they obtained control of the government under President Harrison, they found the temptation irresistible to accept the spoils system and to use it to the advantage of their own party.

Thus by 1840 both great parties had accepted the spoils system, including the principle of rotation in office. For half a century they continued to act upon

<sup>1</sup> Bryce, II, 136.

the assumption that when the people voted to change a party administration, they voted to change every person of the opposite party who held a government position, including not only the President and heads of departments, but the clerks in practically every bureau, the messengers at every door, the porters and carters of every warehouse, the keepers of every light-house, the rowers of every custom-house boat, the washers of floors at posts on the frontier, the makers of fires in every public building in the country.<sup>1</sup> For positions in the civil service came to be looked upon as intrenched outposts of the party, to be manned by valiant warriors, and to be barricaded against opponents; nor this alone, but also asylums for broken-down henchmen and sally-ports for carrying elections.<sup>2</sup>

Acceptance by Whigs and Democrats

Concisely stated, then, the essential features of the spoils system are as follows: "No term for more than four years; the tenure, removal at pleasure; offices and salaries, the spoils of party warfare; rotation, in order to give offices to as many servile partisans as possible; appointments and removals for political reasons. . . ."<sup>3</sup>

Essential features of spoils system

The spoils system was by no means confined to the national civil service. It has flourished and still flourishes wherever there is patronage to distribute, whether in the local, State, or national government. Until recently people have very generally overlooked its existence in State and local politics. Nevertheless, it had been systematically developed first in connec-

Spoils system prevalent in State and municipal governments

<sup>1</sup> George William Curtis, *Orations and Addresses*, II, 121.

<sup>2</sup> Lalor, *Cyclopædia of Political Science*, etc., III, 786.

<sup>3</sup> *Ibid.*, 900.



tion with the State government of New York, and appears to have been imported by New York politicians into Federal affairs. Essentially the same opportunity exists in State and local governments for the application of the spoils system and rotation as in the Federal Government, though on a less extensive scale. Every elected State officer has at least some patronage at his disposal. Even the State Legislatures, especially in the larger States, have within their gift a large number of positions. For example, there are sergeants-at-arms and assistant sergeants-at-arms, principal door-keepers, first and second assistant door-keepers, journal clerks, executive clerks, index clerks, revision clerks, librarians, messengers, postmasters, janitors, stenographers and messengers to the various committees, and assistants, first and second, too numerous to mention.<sup>1</sup>

Our large cities furnish even more important opportunities for the spoils system. They have been compared to richly laden treasure-ships in an ocean swarming with pirates. If they have been manned in accordance with the spoils system, their officers and men have been selected and appointed by the captains of the pirates. The plunder that can now be obtained by gaining the control of a State or city government is so enormous that whenever there is a chance to capture it the effort is sure to be made, and made for wicked and dishonest purposes.<sup>2</sup>

With the foregoing outline of its origin and exten-

<sup>1</sup> Beard, 668.

<sup>2</sup> Charles Richardson in *National Civil Service Reform League Proceedings* (1903), 76.

sion, we may now consider the actual operation and evil effects of the spoils system in practical politics and government. These can be studied most satisfactorily in connection with the Federal civil service, but two points must be constantly borne in mind, namely, that essentially the same practices exist in State and local politics, and that essentially the same evils have here been fraught with even more serious consequences than in the Federal civil service.

From a body of less than three hundred officials at the organization of the Federal Government, the national civil service has, with the growth of governmental business, expanded into a body of nearly four hundred thousand officials and employees.<sup>1</sup> Since thousands of these are appointed directly by the President and heads of departments, it has long been and still is impossible for those high officers, few in number and burdened with a multitude of duties, however good their intentions, to make a thorough personal investigation into the character and qualifications of the army of applicants for government positions. The appointing officers have been compelled to rely upon the recommendations of others. Senators and representatives, when in attendance upon Congress, are readily accessible and are usually in a position to know the qualifications of candidates from their States or districts. It was very natural, then, that the President and heads of departments should come to rely very largely, if not exclusively, upon the recommendations of members of Congress almost as soon as the

Senators  
and rep-  
resenta-  
tives  
become  
"office-  
brokers"

<sup>1</sup> 26th Annual Report of the United States Civil Service Commission (1908-9).

spoils system had been transplanted into national affairs. Thus members of both houses of Congress became the natural go-betweens for the executive and aspirants for Federal offices. They became virtually office-brokers. An immense amount of political power was thus placed in their hands, and they were not slow to make use of it for personal and party ends. Senators profited more than representatives, inasmuch as many appointments required confirmation by the Senate before taking effect. Often no members of Congress from the State belonged to the administration party, or there might be local factions within the party hostile to the congressional delegation; and in such cases other means of information had to be sought. This was done in different ways by different Presidents under different circumstances: (1) by writing to some man of great local influence; (2) by seeking the advice of some governor or State political leader or "boss"; and (3) by consulting delegations sent to Washington to intercede.<sup>1</sup>

The  
"courtesy  
of the  
Senate"

Just as the President came to rely more and more upon the representations of members of Congress, so the Senate as a whole came to rely upon the recommendations of the senators from the State where an appointment took effect. As a body, the Senate had no time in which to conduct a thorough investigation of each nomination presented to it for confirmation. So the practice known as "the courtesy of the Senate" arose. According to this practice, if the senators from the State concerned in a certain appointment approved of the person nominated, the Senate confirmed the ap-

<sup>1</sup> C. R. Fish, *op. cit.*, 175.

pointment as a matter of course; and likewise refused confirmation if the nomination was objected to by the senators from the State concerned. As a result, a United States senator became a sort of feudal lord in the distribution of Federal patronage within his State. The possession of this enormous power made it easily possible for him to build up a strong political machine. Representatives shared in this accession of extra-constitutional power in only a less degree. Even now any one at all familiar with practical politics can recall instances of the influence exerted by senators and representatives in the matter of Federal appointments, although, as a result of recent reforms, their power in this respect has been greatly curtailed.

A practice not essentially different exists in the case of appointments to minor State offices. The executive officers of the State are influenced in making their appointments by the wishes and recommendations of the members of the Legislature, and of persons holding no State office but possessed of great political influence; as, for example, the United States senators or the so-called local or State bosses. In municipal politics the officers nominally vested with the power of appointment pay great heed to the recommendations or wishes of the city boss and of ward and district workers. The result is the same in national, State, and local politics; the appointing officer follows his own inclinations in comparatively few cases, but uses his power of appointment either to strengthen his party organization in accordance with the recommendations from outside sources or to further his own personal ambitions.

Outside influences often determine State and municipal appointments

The strongest argument put forward in defence of

**Defence  
of spoils  
system**

the system runs substantially as follows: Political parties have come to stay. To be permanently effective they must develop a durable and widely extended organization. This can be secured only by having a regular staff of party workers or professional politicians, who shall make the conduct of party affairs their main business or chief avocation. This staff cannot be secured and maintained without compensation of some sort, since it is recruited for the most part from men of small means or none at all. The patronage of the government is the natural fund for such payments, and the easiest and most effective way of maintaining the necessary degree of organization. Without this "cohesive power" of the spoils system political parties must rapidly undergo dissolution, and the country would soon be deprived of the inestimable blessing of party government. Little or nothing is heard nowadays of the defence so common when the spoils system first appeared in national politics, that the system is essential to the continued existence of democratic government. The country at large has come to hold directly the opposite view.

**Public  
sentiment to-  
ward the  
spoils  
system  
greatly  
changed**

Within the past thirty years a marked change has taken place in public sentiment regarding the spoils system, especially in national politics. Open and avowed defenders of the system among men holding high position in Federal affairs are exceedingly rare. Such defenders as the system has are to be found almost wholly in the ranks of machine politicians, whose chief sphere of activity is State and municipal politics. The same change of sentiment is beginning to appear in connection with municipal civil service,

but as yet State governments have been only slightly affected by it, and there the spoils system persists comparatively unchecked.

A change of sentiment at once so profound and far-reaching was not the result of any sudden popular whim. It is a permanent conviction produced as the result of a slow, persistent education of public sentiment, accompanied by the presentation of clear and convincing evidence that evils of a most serious nature had developed under the system and are inseparable from it. These evils of the spoils system may, for the sake of convenience, be grouped in two main divisions: first, the *evils appearing in the quality of official services*; and, second, the more distinctively *political evils*.

(1) The efficiency and character of office-holders whose training and natural inclinations would make them otherwise efficient, as well as their fidelity to the public service, are inevitably undermined by the spoils system. In place of a faithful and efficient civil service, based upon merit and experience, we have a corps of political intriguers whose first concern is with ways and means of retaining their places by rendering political services to the party managers. Under such conditions public offices soon cease to be regarded as public trusts, and the work of the government suffers by neglect or inefficiency.

**Evils**  
appearing  
in the  
quality of  
official  
services:  
(1) Character and  
efficiency  
of officials  
undermined

(2) Even assuming that the character of the officials in the civil service is all that could be desired under the spoils system, the frequency of removals seriously impairs the quality of the service rendered. The magnitude of this evil in the Federal civil service may be inferred from the case of the New York cus-

(2) The  
waste  
involved  
in frequent  
removals

tom-house when the spoils system was at its height. One collector there in the four years from 1858 to 1862 removed 389 out of 690 subordinates; another, of the opposite party, in the three and one-half years next following removed 525 out of 702 of those serving under him. Nearly all of these removals were for partisan purposes. In the five years, or 1,565 secular days, preceding the year 1871 there were 1,678 removals, and nearly all for merely partisan reasons; or more than at the rate of one every secular day for five years.<sup>1</sup> Describing conditions in the late seventies, a collector at the port of New York stated that under his three immediate predecessors, more than one-fourth of the persons employed were removed every year. During the three years of one of these predecessors, out of 903 officers 830 were removed. Another predecessor made 338 removals in eighteen months, although there had been no change of party administration. Another made 510 removals in sixteen months. The terms of these three predecessors did not exceed six years altogether, averaging 230 per year in the custom-house alone out of about 1,000 employees.<sup>2</sup> Taking the entire country, the waste caused by the frequent bringing in of inexperienced persons was enormous.

(3) Officials once installed in office through favoritism and political influence, and proving inefficient or otherwise unworthy, can, under the spoils system, be removed only with the greatest difficulty. The same political influence or party service which secured for them the appointment, in the first place, is powerfully

(3) The difficulty in removing incompetents

<sup>1</sup> Lalor, III, 569.

<sup>2</sup> G. W. Curtis, *Orations and Addresses*, II, 128.

and often effectually exerted for their retention in office when the good of the service demands their dismissal.

(4) Men of the best character and of superior qualifications are kept out of the public service by the spoils system. When the essential requirements to secure an appointment are an elastic conscience, unlimited obedience to the commands of political leaders, success as manipulators of conventions or as workers at the polls, the men who would be most desirable as officials or employees are excluded.<sup>1</sup>

(4) The virtual exclusion of the best men from office-holding

In enumerating the *political evils* of the spoils system it should be noted (1) that as the spoils system developed in the Federal civil service it resulted in virtually amending the Constitution, or at least in violating its spirit. The power of appointment is vested in the President or heads of departments, except as otherwise provided by act of Congress. With the growth of the civil service and the adoption of the "courtesy of the Senate," the real power of making appointments was transferred to the members of Congress, and especially to the Senate. The function of the President and heads of departments in this matter was reduced to little more than that of attaching their signatures to the commissions of appointees practically named by Congress. In other words, under the spoils system in national politics there is a marked tendency of the legislative department to encroach upon the province or to usurp the power of the executive department. As President Garfield said: "The spoils system invades the independence of

*Political evils of spoils system are seen: (1) In encroachment of the legislative upon the executive*

<sup>1</sup> See *ibid.*, 375.



the Executive, and makes him less responsible for the character of his appointments."<sup>1</sup>

(2) The neglect of legislative and executive duties

(2) The spoils system makes unreasonable demands upon the time of the President, heads of departments, congressmen, and senators, compelling them to neglect their proper executive or legislative duties. Referring to this fact, President Garfield, when a member of the House, stated that "one-third of the working hours of senators and representatives is hardly sufficient to meet the demands made upon them in reference to appointments for office."<sup>2</sup> Furthermore, another reliable authority states that at least one-third of the time of President Garfield himself was absorbed by applicants for office, and that more than six-sevenths of the calls made upon one of his cabinet officers during a period of three months were for office-seeking.<sup>3</sup>

(3) The creation of professional politicians

(3) The spoils system has been more responsible, perhaps, than any other single factor in creating the class of professional politicians and political bosses which has been such a force for evil in local, State, and national politics.

(4) Restriction of the number of available candidates

(4) The existence of the spoils system tends seriously to restrict the field of available candidates for the *elective* offices. Personal merit is not wholly ignored, nor public opinion needlessly affronted, but ordinarily candidates are regarded as available in the ratio of their adroitness in using patronage to bribe voters, to reward electioneers, to buy the press, and to conciliate opponents and rivals.<sup>4</sup>

<sup>1</sup> Quoted in Lator, III, 141.

<sup>2</sup> *Ibid.*; *Atlantic Monthly*, XL, 49 (1877).

<sup>3</sup> *Ibid.*

<sup>4</sup> Lator, III, 140.

(5) The spoils system tends directly to increase the cost of administering the government, and this additional cost must be met by increased taxation. Legislative bodies, to mention only one example, have frequently yielded to the temptation to create new offices or positions as a means of strengthening the party, or to burden these offices and old ones with superfluous officials. One cabinet officer complained some years ago to a congressional committee that he was obliged to keep seventeen persons in his department whom he did not want, although one man could have done the same amount of work and have done it better than the seventeen.<sup>1</sup>

(5) Enhanced cost of administering the government

(6) The spoils system tends to deprave and distort the spirit and mechanism of politics. Wherever it prevails, there is a strong tendency to convert a campaign into mere place-hunting. Offices becoming the reward of party services, the whole machinery of the party is made to serve as its main object the getting and keeping of offices. Hence we have one of the chief motives which result in the packing of primaries, machine-managed conventions, and election frauds. From a free popular choice between different policies of administration or legislation elections tend to degenerate into a contest for personal advantage between rivals for the control of patronage.

(6) Lower tone of political contests

(7) The spoils system places the party which is victorious in a national, State, and local election in a position virtually to convert the government into a great political machine, since it places at the disposal of

(7) Creation of an office-holders' "machine"

<sup>1</sup> 14th Annual Report, United States Civil Service Commission, 39 (1896-1897).

that party, however corrupt, a horde of creatures in every town, county, and State, bound to fight for the defence and continuance of the machine.<sup>1</sup>

(8) **Levy-  
ing  
political  
assess-  
ments**

\*(8) The threat or fear of removal has been made effective for extorting from office-holders political assessments or forced contributions to party campaign funds. When this practice was tolerated in the Federal civil service neither pecuniary position, age, nor sex found mercy with party managers. Every one who figured on the pay-roll of a public department was put under contribution—office boys, dock-laborers, washerwomen, not to mention a host of others.<sup>2</sup>

(9) **Virtual  
substitu-  
tion of  
oligarchic  
for demo-  
cratic gov-  
ernment**

(9) People are tardily coming to see that, instead of being essential to democratic government, the spoils system is undemocratic. Democracy implies political equality of citizens, and is opposed to favoritism and privilege. The spoils system creates a distinct political class with an immediate personal, selfish class-interest in politics which is not shared by the rest of the community. The whole management of political affairs gradually slides and falls into the hands of this oligarchy. The ordinary citizen, however meritorious, stands little if any chance of holding public office unless he subscribes to the terms laid down by the small tyrants called bosses who dominate these oligarchies. Such surrender renders the citizen no longer the equal but virtually the vassal of the boss.

(10) In spite of the fact that the spoils system is a powerful instrument for the strengthening of political machines, it is at the same time a potent source of

<sup>1</sup> H. C. Lodge, in *Century Magazine*, XL, 837 (1890).

<sup>2</sup> Ostrogorski, 69.

party weakness. When the party chiefs come to distribute the spoils, there is sure to be disappointment. Ten applicants are disappointed to every one that is gratified. The "knife is up the sleeve" with those who have been given promises that cannot be realized. Personal feuds and factional strife arise and the harmony of the party is disturbed. Congressmen of the party out of power do not have one-half as much trouble in keeping harmony in their districts as those who have the hateful task of distributing post-offices and revenue collectorships.<sup>1</sup>

(10) Undermining the strength of party organization

(11) The spoils system depreciates the moral standards of the country. "The spoils motive in politics appeals to cupidity, avarice, selfishness, not to patriotism; consequently, the selfish, the avaricious, the unscrupulous press forward and scramble for place, while those to whom higher motives appeal retire."<sup>2</sup> Then, too, the example of Presidents,<sup>3</sup> governors, and mayors practically buying legislative support for measures which they favor by the promise of office can have no other effect than to lower the moral tone of the community, State, and nation. This practice has been characterized as "one of the most palpable and dangerous forms of bribery." Likewise the power of awarding valuable government contracts, incident to many offices, tends to produce the same result, for it opens up a wide range of opportunities for that species of dishonesty in politics which we have recently come to call "graft."

(11) Lowered moral standards of the people generally

<sup>1</sup> Woodburn, 259.

<sup>2</sup> *Ibid.*, 257.

<sup>3</sup> For an example of such a use of Federal patronage in Lincoln's administration, see C. A. Dana's *Recollections of the Civil War*, 174 ff.

## QUESTIONS AND TOPICS

1. Office-seeking and removals under Washington, John Adams, and Jefferson.
2. The debate in Congress in 1789 over the power to remove heads of departments.
3. The circumstances surrounding John Adams's removal of Timothy Pickering in 1800, and Jackson's removal of W. J. Duane in 1833.
4. The New York council of appointment and the beginnings of the spoils system in New York.
5. The growth of the Federal civil service between 1789 and 1820.
6. The debates over the four-year term act of 1820, and the attempts to repeal it in 1835. (See *Register of Debates in Congress*.)
7. Office-seeking and the spoils system under Jackson and Van Buren.
8. Early development of the doctrine of rotation in office. (See Fish.)
9. With whom, and under what circumstances, did the political phrase, "to the victors belong the spoils," originate?
10. Office-seeking and the spoils system under Lincoln. (See Fish, C. A. Dana's *Recollections of the Civil War*, and Rhodes.)
11. The history and effect of the Tenure-of-Office Act of 1867, including the veto message of President Johnson.
12. The spoils system in the Southern States during the Reconstruction period.
13. The Garfield-Conkling episode in New York politics in the early eighties.
14. How many and what offices are affected by the spoils system in your own town, county, and State? In the largest cities of your own State?
15. Tabulate the appointive offices or positions in the Federal Treasury Department. (See the *Official Register*.)
16. The appointment of House and Senate officials in Congress.
17. The spoils system in England in the age of Walpole. (See Eaton, Lecky's *England in the Eighteenth Century*, and other English histories and biographies.)

18. The spoils system in England in the reign of George III. (See *Correspondence between George III and Lord North*, and *Century Magazine*, LXXVI, 304.)

19. The alleged use of patronage by President Taft to influence legislation in the 61st Congress. (See Bourne and *Rev. of Rev.*, XLIII, 259.)

20. Office-seeking and the spoils system, 1850-1860.

21. The spoils system as seen in connection with legislative appointees in your own State.

22. The use and abuse of the power of appointment and removal in municipal governments. (See Munro.)

### BIBLIOGRAPHY

Adams, H. B., "Civil Service Reform," in *No. Am. Rev.*, CIX, 443 (1869). On the spoils system under President Grant.

Bourne, Jonathan, Jr., "Federal Patronage," in *Congressional Record*, February 27, 1911.

Bryce, James, *The American Commonwealth*, II, ch. 65 (4th edition).

*Century Magazine*, XLVIII, 306 (1894), "The Consular Service and the Spoils System."

Curtis, George W., *Orations and Addresses*, II.

Dawes, H. L., "Garfield and Conkling," in *Century Magazine*, XLVII, 341 (1893-94).

*Debates and Proceedings of Congress*, usually cited by the binder's title, *Annals of Congress*.

Dickson, W. M., "The New Political Machine," in *No. Am. Rev.*, CXXXIV, 40 (1882). A defence of the spoils system.

Eaton, D. B., articles in Lalor's *Cyclopædia*, etc., entitled, "The Spoils System," "Removals from Office," "Term and Tenure of Office," and "Patronage."

— *Civil Service in Great Britain*.

Fish, C. R., *Civil Service and the Patronage*.

— "Removals from Office by the Presidents of the United States," in *Am. Hist. Assn. Reports*, I, 67 (1899).

— "Lincoln and the Patronage," in *Am. Hist. Rev.*, VIII, 53 (1902-03).

- Gitterman, J. M., "The Council of Appointment in New York," in *Pol. Sci. Quar.*, VII, 801 (1892).
- Hart, A. B., *Actual Government*.
- House Reports*, 2d session, 56th Congress, III, No. 2978 (1901). On employees in the House of Representatives.
- Hunt, Gaillard, "Office-Seeking During Washington's Administration," in *Am. Hist. Rev.*, I, 251 (1895-96).
- "Office-Seeking under John Adams," in *Am. Hist. Rev.*, II, 241 (1896-97).
- "Office-Seeking During Jefferson's Administration," in *Am. Hist. Rev.*, III, 270 (1897-98).
- Jackson, Andrew, "First Annual Message," in *Richardson's Messages and Papers of the Presidents*, II, 442.
- Jenckes, T. A., *Report from the [Congressional] Joint Select Committee on Retrenchment* (1868).
- McBain, H. L., *De Witt Clinton and the Origin of the Spoils System*, in *Columbia University Studies*, XXVIII (1907).
- Merriam, J. M., "Jefferson's Use of the Executive Patronage," in *Am. Hist. Assn. Papers*, II (1887).
- Munro, W. B., *The Government of American Cities* (1912), ch. 9.
- Nelson, H. L., "The Overshadowing Senate," in *Century Magazine*, LXV, 513 (1902).
- Official Register of Persons in the Civil, Military, and Naval Service of the United States*.
- Ostrogorski, M., *Democracy and the Organization of Political Parties*, II. (See index.)
- *Democracy and the Party System*.
- Outlook, The*, C, 722 (1912), "Patronage in Politics." In the pre-convention presidential campaign of 1912.
- Pendleton, G. H., *Report from the Committee on Civil Service and Retrenchment*. In *Senate Reports*, 1st session, 47th Congress, No. 576 (1882).
- Platt, T. C., "Autobiography of Senator Platt," in *McClure's*, XXXV, 317 (1910). On Garfield-Conkling feud in New York.
- Poltow, A., "Electoral Corruption in England, in the Old Days," in *No. Am. Rev.*, CLXXXII, 275 (1906).
- Register of Debates in Congress*, 1825-37.
- Review of Reviews*, XLIII, 259 (1911), "Patronage and Prestige."

- Richardson, C., "The Spoils System in Philadelphia," in National Civil Service Reform League, *Proceedings* (1892), p. 84.
- Richardson, J. B. (compiler), *Messages and Papers of the Presidents*, 10 vols. (See index.)
- Salmon, Lucy M., *Syllabus for the Study of the History of Civil Service Reform*. (Pamphlet.)
- "History of the Appointing Power of the President," in Am. Hist. Assn. *Papers*, I (1886).
- Stickney, A., *Organized Democracy*, 118 ff. On Lincoln's use of the patronage.
- Tyler, L. G., *Parties and Patronage in the United States*.
- Whitbridge, F. W., "Rotation in Office," in *Pol. Sci. Quar.*, IV, 279 (1889).
- Woodburn, J. A., *The American Republic*, 183-189.
- *Political Parties and Party Problems*, ch. 17.
- Woolley, R. W., "The Race for Federal Jobs," in *World's Work*, XXV, 552 (1913).
- United States Civil Service Commission, "Evils of the Spoils System," in *14th Annual Report* (1896-97), p. 35 ff.
- "Practice of the Presidents in Appointments and Removals, 1789-1883," in *15th Annual Report* (1897-98), p. 441 ff.
- "List of References to the History of the Merit System," in *27th Annual Report* (1909-10), p. 164 ff.



## CHAPTER XV

### CIVIL SERVICE REFORM. HISTORY OF THE MOVEMENT. THE CIVIL SERVICE ACT OF 1883. ECONOMIES AND POLITICAL BENEFITS OF THE COMPETITIVE SYSTEM

The spoils system is destined to disappear, and along with it will pass away most of its attendant evils. Already the system has been very extensively superseded in appointments to the Federal civil service. In the State and municipal governments the worst evils of the system still linger. Nevertheless, these evils will gradually be eliminated with the slow but persistent progress of the civil service reform movement.

Civil service reform opposed to spoils system

This movement is opposed to the theory which regards places in the public service as prizes to be distributed after an election, like plunder after a battle. It is opposed to the theory which perverts public trusts into party spoils, making public employment depend upon personal favor and not on proved merit.<sup>1</sup>

The name "civil service reform" is in itself misleading, for the real intent of the movement is not to reform the civil service, but to change the mode by which its places are filled. The chief purpose is to take the routine, non-political offices of the government out of politics, where they ought never to have been, by

<sup>1</sup> G. W. Curtis, *Orations and Addresses*, II, 502.

providing some method of filling them which is at once fair, non-partisan, and disinterested.<sup>1</sup>

Stated broadly, the aims of civil service reformers have been to take out of political contests all inducement to mere office-seeking, and, especially in the case of the Federal government, to restore and preserve the independence of the legislative and executive departments, which the Constitution was careful to keep distinct. As a means of accomplishing this, these reformers seek to establish a process by which the offices shall be filled upon tests of merit, and not as mere rewards for party or personal service. "The goal of civil service reform," says President Eliot, "is a public service, national, State, and municipal, exclusively composed of men, each of whom possesses the knowledge and skill needed for his own task, well-disciplined, devoted to their work, and to the public authority which employs them, and regarding their occupation as an honorable and satisfactory life career." This reform of the civil service has been called "the fundamental governmental reform, the reform on which all other improvements in national, State, and municipal administration depend." Certainly the efficiency of all governmental services in their present complexity and vastness depends upon the wide adoption of some system of selection and promotion based upon merit and proved capacity.

The establishment of such a system for positions in the Federal civil service dates from the enactment of the so-called Pendleton, or civil service, act of 1883. Prior to this date two unsuccessful and short-lived

**Aims of  
civil ser-  
vice re-  
formers**

**Earliest  
attempts  
to reform  
civil ser-  
vice**

<sup>1</sup> Henry Cabot Lodge, in *The Century Magazine*, XL, 838 (1890).

attempts had been made to abolish the evils of the spoils system. Between 1851 and 1853 the question of efficiency in the civil service was discussed in two reports to the Senate, and it was recommended that examinations be held for the lowest grade of clerkships and that all vacancies above these, except the chief clerkships, be filled by promotion.<sup>1</sup> Following these suggestions, acts were passed by Congress in 1853 and 1855 subjecting to examination (1) all persons in the departments at Washington receiving salaries between \$900 and \$1,800 a year; (2) subordinate officials in the customs service at eleven ports; and (3), in twenty-three post-offices, positions under postmaster, not including mere laborers or workmen. In all, nearly 14,000 positions were affected by this legislation.<sup>2</sup>

The character of these examinations, however, depended entirely on the discretion of the head of the department concerned. Inasmuch as he was also the appointing officer and the one upon whom fell the pressure of politicians in a period when the spoils system was flourishing, the examinations amounted to little. They were not competitive, and were conducted independently in each office. One candidate was examined at a time, and no means was afforded of comparing the merits of one applicant with another. Some of the questions asked of candidates show that the examinations were a farce: "Where would you go to draw your salary?" "How many are four times four?" "What have you had for breakfast?"

<sup>1</sup> Carl Russell Fish, *Civil Service and the Patronage*, 183.

<sup>2</sup> F. T. Doyle, in *The Forum*, XIV, 219 (1892-93).

"Who recommended your appointment?"<sup>1</sup> An eyewitness of one of these examinations in one of the departments at Washington after the war says that the candidate then being examined by the postmaster-general was questioned and cross-questioned, not as to his capacity for doing the work, but as to what ticket he had voted, how many years he had voted it, what he had done and could do for the party then in power, and what his influence was with his race. The course of the examination lasted twenty minutes. The person thus examined was an ignorant negro, an applicant for a postmastership in the South.<sup>2</sup> Examinations of this character are usually called "pass" examinations in order to distinguish them from the system of competitive examinations inaugurated in 1883. Partisan politicians, it is needless to say, made very little objection to mere pass examinations, and the evils of the spoils system went on practically unchecked.

The real starting-point of civil service reform in this country was the report of Hon. Thomas A. Jenckes, chairman of a joint select congressional committee, submitted to Congress in May, 1868. Up to this time the evils of the spoils system were well understood, but few apparently had given serious thought regarding the remedy. People seemed to have concluded, in a characteristic American way, that the trouble was inherent in our political system; or, if not inherent, that it had become so firmly implanted that it could not be removed, that to complain was useless,

Real beginning of reform

<sup>1</sup> Quoted in A. B. Hart's *Actual Government*, 289.

<sup>2</sup> W. W. Vaughn, *Every Man on His Own Merits* (pamphlet), 7.

and that we should go ahead and make the best of it. There was so little knowledge of, or interest in, civil service reform when Mr. Jenckes began his agitation that he was, "like Paul in Athens, declaring the Unknown God."<sup>1</sup>

Being a lawyer of marked ability, a man of wealth, and belonging to a family of much local consideration, Mr. Jenckes had assumed a position of importance from his first entrance into the House of Representatives in 1863. He had made a careful study of the civil service in China, Prussia, France, and especially in England, and in his elaborate report he furnished a mass of information upon the subject, including the views of many officials in different branches of the service upon the practical nature of the reforms proposed, and copious extracts from the press favoring the bill which accompanied the report.<sup>2</sup> This bill was intended to adapt to American conditions the best points in the foreign systems investigated. It was, however, too novel and too sweeping in its recommendations to avoid defeat, but its defeat was accomplished only after a serious struggle.<sup>3</sup>

**Competitive examinations first authorized in 1871**

The contest for civil service reform had only just begun. Slowly the subject enlisted popular interest. The first victory came in March, 1871, when the civil service reformers succeeded in attaching to an appropriation bill a brief section which authorized the President (1) to cause proper steps to be taken for ascertaining the fitness of candidates in respect of age,

<sup>1</sup> S. S. Rogers, in *Atlantic Monthly*, LXXI, 17 (1893).

<sup>2</sup> *Ibid.*

<sup>3</sup> Joseph H. Choate, *Twenty-five Years of Civil Service Reform*. (Pamphlet.)

health, character, knowledge, and ability for entering the public service; (2) to make rules for its regulation; and, in effect (3), to create a civil service commission to take charge of the examinations and aid in the work of reform under the President's direction. This legislation intrusted the whole matter of reform to the discretion of the President.

President Grant, who had recommended this legislation in his message of 1870, at once appointed George William Curtis and six other gentlemen a commission to conduct the inquiries authorized by the act and to prepare and report to him a working plan for instituting the much-needed reform in the national administration. The commission's report to the President, submitted in December, 1871, was promptly transmitted to Congress with the President's favorable indorsement. The report was prepared by Mr. Curtis and contained a most thorough and convincing presentation of the entire subject of reform, considering and answering every plausible objection.<sup>1</sup>

Progress  
of reform  
under  
President  
Grant

The regulations drawn up by the commission, calling for open competitive examinations, went into operation in April, 1872, in the Federal offices in New York City and the departments at Washington, and remained in effect until March, 1875. During this period President Grant attempted to extend the operation of the new rules to all customs ports, but failed because the officials at those ports were either hostile or indifferent to the new system. It quickly became evident that the reform thus inaugurated was not

<sup>1</sup> *Senate Executive Documents*, 2d session, 42d Congress, I, No. 10 (December 19, 1871).

acceptable to the party leaders, and that it would encounter the fierce opposition of the machine politicians, especially in New York. This opposition succeeded, against the vigorous protest of the President, in cutting out all appropriation for the continuance of the system. As a result, early in 1875 the system of competitive examinations was suspended by executive order, thus apparently suppressing the reform. Nevertheless, this brief and limited experiment with the system was not a failure. President Grant informed Congress that the new methods of appointment had "given persons of superior character and capacity to the service" and "that they had developed more energy in the discharge of duty."<sup>1</sup>

President  
Hayes  
also favored  
civil service  
reform

President Hayes entered upon his duties strongly committed to civil service reform, but he was able to accomplish little because of the determined opposition in Congress. Nevertheless, another beginning of reform was made during his administration. The introduction of the competitive system into the New York post-office and custom-house was ordered by the President, without waiting for action by Congress.

Growth of  
sentiment  
favorable  
to reform  
shown in  
party plat-  
forms after  
1872

Indications of a strong public sentiment favorable to civil service reform were not lacking during the administrations of both President Grant and President Hayes, and politicians were beginning to cater to this sentiment. By 1872 public interest led the politicians of all parties to insert in their national platforms of that year some sort of declaration favorable to reform. The first national platform in which such a plank appeared was that of a small party called

<sup>1</sup>Quoted in Lalor, I, 479.

the Labor Reformers. Their platform declared "that there should be such a reform in the civil service of the National Government as will remove it beyond all partisan influences and place it in the charge and under the direction of intelligent and competent business men; . . . that fitness, and not political or personal considerations, should be the only recommendation to public office, either appointive or elective, and any or all laws looking to the establishment of this principle are heartily approved." The platform of the Liberal Republicans, later indorsed in full by the Democratic party, contained a stinging arraignment of the spoils system under President Grant and an even more insistent demand for reform. After these two official party utterances, the Republicans felt compelled to act, and accordingly inserted in their platform a lukewarm indorsement of civil service reform. Several State conventions of various parties soon did likewise. On the part of both Republicans and Democrats, however, there is good ground for believing that all these indorsements were devoid of sincerity. As soon as the election was over the politicians resumed their attitude of hostility toward the reform. Again in 1876 and 1880 the platforms of the Republican and Democratic parties formally indorsed reform of the civil service. Mr. Curtis was not far wrong when he characterized the Republican platform declarations in 1880 as only "polite bows to the whims of notional brethren, which it is hoped will satisfy them without committing the party."<sup>1</sup>

Reluctant and insincere as these platform indorse-

<sup>1</sup> For these platforms, see Stanwood, *History of the Presidency*.



**Organiza-  
tion of  
reform as-  
sociations  
and Civil  
Service  
Reform  
League**

ments may have been, they nevertheless bore some testimony to the growing strength of the reform sentiment in the country at large. In May, 1877, the New York Civil Service Reform Association was formed, and in 1880 it claimed 583 members representing thirty-three States and Territories. Other societies sprang up in Boston, Philadelphia, Milwaukee, San Francisco, and elsewhere; and in August, 1881, a National League was formed at Newport with George William Curtis as president. This was followed by the organization of State societies, and the movement was brought to a fighting stage. The first volume of *Poole's Index*, brought out in 1882, mentions about one hundred articles discussing some phase of the civil service problem.<sup>1</sup>

**Passage of  
Pendleton  
Act of  
1883**

In December, 1880, Senator Pendleton of Ohio introduced into Congress substantially the bill which had been introduced by Mr. Jenckes in 1867. The advocates of the bill declared that it would vastly improve the whole service of the country, which they characterized as being at that time inefficient, expensive, and extravagant, and in many cases corrupt. The bitter factional fights during the early months of Garfield's administration, the assassination of Garfield by a disappointed office-seeker, and the Democratic "landslide" in the congressional elections of 1882 convinced the leaders of the Republican party, then in control of Congress, that the spoils system was doomed and that a reform of the civil service must be inaugurated at once and under Republican auspices. Consequently, in January, 1883, Congress

<sup>1</sup> Fish, *op. cit.*, 217.

passed the Pendleton, or civil service, act, the most effective blow ever dealt at the spoils system in this country. Yet its immediate results gave little promise of the increasing potency which has developed with each succeeding administration since that of President Arthur, when the act went into effect.<sup>1</sup>

This act is the basis of the present Federal civil service and the model upon which certain State laws have been drawn. It does not include elaborate details either on appointments or on removals, but authorizes the President to promulgate rules at his discretion. It lays down certain definite principles which create what is called "the merit system" of appointment, in contrast to the old spoils system. The original plan of the civil service reformers dealt with three points: (1) the appointment of the lower-grade officials by competition, (2) the repeal of the law of 1820, and (3) the establishment of retiring pensions. But in the face of the resistance offered to this plan, the last two proposals were abandoned and all the efforts of the reformers were concentrated on the introduction of competitive examinations: this is the essential feature of the changes authorized by the Pendleton act.<sup>2</sup>

This act  
the basis  
of pres-  
ent merit  
system

The main features of the civil service act of 1883<sup>3</sup> are as follows:

Provi-  
sions of  
Civil Ser-  
vice Act

(1) Three commissioners were created, not more than two of whom should belong to the same political

<sup>1</sup> W. B. Shaw, in *Rev. of Rev.*, XXXI, 318 (1905).

<sup>2</sup> Ostrogorski, II, 488.

<sup>3</sup> The civil service act may be found in *United States Statutes at Large*, XXII, 463, or, more conveniently, in the *Annual Report of the Civil Service Commission*.

party, appointed by the President and Senate. This body of commissioners is commonly known as the United States Civil Service Commission. In addition provision was made for a chief examiner of applicants for positions in the civil service, for State boards of examiners and minor officers.

(2) These commissioners are to "aid the President, as he may request, in preparing suitable rules for carrying this act into effect," and to enforce these rules when duly promulgated.

(3) The rules formulated by the commissioners are to provide for a classification of government officials affected by this act according to the amount of their salaries. The various positions are also classified for purposes of examination into six divisions: clerical, technical, executive, mechanical, sub-clerical, and miscellaneous. Hence places now subject to civil service rules are frequently referred to as the "classified service."

(4) Among other things, the act provided (a) that the rules should declare for "open, competitive examinations for testing the fitness of applicants for the public service," such examinations to be practical in their character and fair tests of the relative capacity and fitness of the applicants for the position sought; (b) that appointments should be made from among the three applicants standing highest in these competitive examinations, preference, however, being given to honorably discharged veterans; (c) that appointments to the Federal offices in Washington should be fairly apportioned among the citizens of the different States and Territories and the District of

Columbia; (d) that in all cases there should be a period of probation before final appointment; (e) that no person in the government service should use his official authority or influence to "coerce the political action of any person or body."

(5) The rules were first made applicable to the departments at Washington and to custom-houses and post-offices with more than fifty employees. They were not to apply to laborers.

(6) The commissioners must reject any recommendation brought by an applicant for appointment from senators or representatives in Congress, except such as relate to the character and residence of the applicant.

(7) The act prohibited the solicitation by any government official of contributions to be used for political purposes from persons in the civil service, or the collection of such contributions by any person in a government building, under penalty of fine or imprisonment, or both. The act also provided that no removal should follow refusal to make such a contribution.

(8) The commissioners were directed to keep records, to investigate cases of alleged violation of the laws and rules, and to make an annual report to the President, which was to be submitted to Congress.

(9) The President was authorized by the act to extend these rules to other parts of the civil service at his discretion, and to create exceptions to or exemptions from the rules.

When the civil service act of 1883 and the rules drawn pursuant to its provisions went into opera-

Merit  
system  
steadily  
extended  
since  
1883

tion they applied to only about 14,000 positions under the Federal Government, out of a total of approximately 110,000. The wider application of the act and rules was left largely to the discretion of the President and to future acts of Congress. The extension of the competitive system has depended, for the most part, upon the will of the President for the time being. Presidents friendly to reform have been disposed to extend the application of the rules, or to "enlarge the classified service," as it is called; while a President friendly to the spoils system may not only not widen the application of the merit system, but may even go so far as to revoke existing rules and to restore all the characteristic evils of the old system. No President, however, has been willing to court the condemnation of intelligent public opinion regardless of party by attempting to undo the work of civil service reform. On the contrary, practically every administration has witnessed some enlargement of the classified service, some wider application of the merit system, some restriction of the spoils system in the Federal administration, until on June 30, 1911, the number of positions in the civil service filled by competitive examinations was over 227,600 out of a total executive civil service of over 391,000.<sup>1</sup> This is the largest proportion in the history of the government up to that date.

Opposition to the introduction of the merit system came almost exclusively from two classes of persons: those who were the direct beneficiaries of the spoils

<sup>1</sup> 28th Annual Report, United States Civil Service Commission (1910-11).

system—that is, the politicians personally interested in its continuation—and those who did not really understand the nature and operation of the merit system. It was urged, by way of objection, that the system was “un-American”; that it would destroy the independence and constitutional prerogative of the Executive; that it was unconstitutional; that it would be an unjust interference with the rights of office-holders as citizens; that it would lead to political indifference on the part of the public, and so to the decay of political parties; that tenure during good behavior would result in the establishment of an aristocratic and insolent bureaucracy; that while competitive examinations might be a test of ability, they would tend to give college graduates a monopoly of the offices, and would furnish no guarantee of integrity. Not content with arguments, some opponents of civil service reform indulged in ridicule, calling the examinations a “Chinese system,” and describing the reformers as “holier-than-thou’s,” and as “goody-goodies”; while it was very common to nickname the reform “snivel-service reform.”<sup>1</sup>

Early opponents of civil service reform

Fortunately the reform and the reformers not only survived, but successfully met and overcame all these attacks. Early the constitutionality of the civil service act was set at rest by an opinion of the attorney-general sustaining the law, and practically none of the dire results predicted have appeared.

The success of this reform movement may be attributed in a very large measure to the support of

<sup>1</sup> See A. W. Tourgée, in *No. Am. Rev.*, CLXXXII, 305 (1881), and Edwin Erle Sparks, *National Development, 1877-1885*, p. 195.

**Most conspicuous  
champions of  
reform**

advocates of eminence and high character, such as George William Curtis, Carl Schurz, and Theodore Roosevelt, who could invoke the words of Webster and Clay and Calhoun in their assaults upon the spoils system, and in defence of reform measures. Then, too, the work of Dorman B. Eaton on the civil service of Great Britain had a profound influence in creating sentiment favorable to the reform. The work of these men was ably reinforced by the powerful influence of the press and by the skilful drawing of the provisions of the civil service act, largely the work of Mr. Eaton, which has scarcely been amended down to the present day. Finally, the merit system, for the most part, had the cordial approval of the heads of the important offices subject to it, and this factor has been of prime importance in contributing to the success of the reform.<sup>1</sup>

**Present-day  
opponents  
of reform**

Nevertheless, the enemies of reform are still numerous. The machine politicians who profit by the spoils system have not yet surrendered. Scarcely a year passes in Congress without some attempt in the House committee of the whole to strike out the appropriation for the support of the Civil Service Commission. In spite of this, the resistance to Federal civil service reform is seldom open and outspoken. Generally it is more or less private, and this fact testifies to the enormous advance which the reform has made among thinking people and politicians. Where conviction is absent fear of unlimited public condemnation will in all probability operate in the future, as it has operated in the past, to prevent the

<sup>1</sup> W. I. Foulke, in *Proceedings* (1903).

undoing of the reforms which have been achieved during the past thirty years. This belief finds support in the fact that the thinking and disinterested public has come to appreciate the beneficial results flowing from the steady extension of the merit system. These results fall naturally into two main divisions, economic and political.

The *economies* effected by the competitive system of selection and promotion in the Federal service are numerous and various: (1) Fewer people are needed to do a given amount of work; (2) sinecures are detected and abolished; (3) a day's work is got for a day's pay; (4) superfluous work and offices are no longer created in order to make places for henchmen; (5) all labor is more efficiently performed; (6) the waste caused by the frequent bringing in of inexperienced persons is prevented; (7) a reduction in force often accompanies increase in the amount of work done—in other words, there is often increased efficiency with fewer employees. Although it is obvious that these economies can never be estimated with precision in dollars and cents, nevertheless the Civil Service Commission has calculated that there is a saving to the government amounting to \$15,000,000 a year.<sup>1</sup>

**Economic  
benefits  
of civil  
service  
reform**

The chief *political benefits* have flowed (1) from a substitution of an open "competition of capacity, attainments, and character for an otherwise secret and inevitable competition of partisan and official influence, of solicitation, of threats, and of selfish interests." Competitive examinations reduce the whole matter of

**Political  
benefits:  
(1) re-  
duction  
of politi-  
cal fa-  
voritism  
in ap-  
point-  
ments**

<sup>1</sup> C. W. Eliot, *The Fundamental Reform*. (Pamphlet.)



getting into the subordinate public service to a procedure of great simplicity and justice. "The official having the appointing power can say to every importunate applicant and his backers: Go into the examination; if you show yourself among the most worthy, you may get an appointment in due time. If you are not among them, you deserve no place. That is all that I can do for you. Office-seeking is thus defeated by being made futile. The merits of the applicant, and not his begging, his threats or the pressure of his backers, is what must give him a place."<sup>1</sup> Competitive examinations are not infallible, but they are better tests of fitness than the prejudices, friendships, and personal and political interests of men in public life.

(2) Abolition  
of political  
assessments

(2) Another beneficial political result of the civil service act has been the practical eradication of the evil of assessment of government employees for party campaign funds. Such cases as are brought to the attention of the Civil Service Commission from time to time are promptly investigated and the facts reported to the President, who has almost uniformly sustained the recommendations made by the commission. Two striking instances of recent occurrence will illustrate this: The finance clerk in the Philadelphia post-office was removed for collecting political assessments for the Republican party in the midst of the campaign of 1904; and more striking still was the removal, in 1908, in the height of the excitement of the presidential campaign, of the collector of customs at Port Huron, Michigan, and of a special treasury

<sup>1</sup> Dorman B. Eaton, in Lalor, I, 485.

agent at the same place for assessing employees, although one of the latter was thought to be a considerable power in Republican politics in Michigan.<sup>1</sup>

(3) A great reduction in the amount of "pernicious activity" in politics on the part of Federal office-holders may be noted as a third political benefit directly traceable to the civil service reform movement. Though materially checked, the evil of political activity has not been extirpated.

(3) Diminished political activity of competitive office-holders

Unlike political assessments, political activity is not prohibited by the terms of the civil service act. In the classified *competitive* service political activity is restricted solely by executive orders, which may or may not take the form of amendments to the civil service rules.<sup>2</sup> The rules were thus amended by the executive order of President Roosevelt, dated June 3, 1907, prohibiting the political activity of competitive employees. The commission was given jurisdiction to investigate cases of alleged improper political activity. The rules now state that persons in the competitive classified service, "while retaining the right to vote as they please and to express privately their opinions on all political subjects, shall take no active part in political management or in political campaigns."<sup>3</sup>

<sup>1</sup> Joseph H. Choate, *Twenty-five Years of Civil Service Reform*. (Pamphlet.)

<sup>2</sup> The first executive order on this subject was issued by President Hayes; President Cleveland's famous "pernicious activity" order of July 14, 1886, applied to all office-holders without distinction. See Choate, *op. cit.*

<sup>3</sup> Civil Service Rule I. The following statement shows the various forms of political activity which have been held to be forbidden on the part of competitive classified employees:

"Service on political committees, service as delegates to county, State or district conventions of a political party, although it was understood that the employees were not 'to take or use any political

All complaints of the violation of the rule against political activity on the part of classified competitive officials are investigated by the Commission and the facts reported to the President, and appropriate punishment is inflicted. These cases are likely to arise most frequently in years in which a presidential election occurs, but even then they are not numerous. The commission in its report upon this subject, covering the presidential campaign of 1908, says: "When it is taken into consideration that the competitive classified service now includes more than a quarter of a million employees the number of charges of improper political activity in political affairs presented against persons in the competitive service is remarkably small, indicating compliance by classified employees generally with the rule in this regard."<sup>1</sup>

activity in going to these conventions or otherwise violate the civil service rules'; service as officer of a political club, as chairman of a political meeting; continued political activity and leadership; activity at the polls on election day; the publication or editing of a newspaper in the interests of a political party; the publication of political articles bearing on qualifications of different candidates; the distribution of political literature; holding office in a club which takes active part in political campaigns and management; making speeches before political meetings or political clubs; circulation of petitions having a political object, of petitions proposing amendments to a municipal charter; circulation of petitions favoring candidates for municipal offices, and of local-option petitions; service as a commissioner of election in a community where it was notorious that a commissioner of election must be an active politician; accepting nomination for political office with intention of resigning from the competitive service if elected; recommendations by clerks and carriers of a person to be postmaster; activity in local-option campaigns; service as inspector of elections, ballot-clerk, ballot-inspector, judge of election, member of election board; candidacy for or holding of elective office."—See *27th Annual Report, United States Civil Service Commission* (1909-10), p. 22.

<sup>1</sup> *26th Annual Report, United States Civil Service Commission* (1908-09), p. 26.

Unfortunately, the same statement is not true of the *non-competitive* classified service. This branch of the civil service until very recently included about one hundred thousand officials, grouped as follows: (a) officers for whose appointment the confirmation of the Senate is necessary, such as postmasters, marshals, collectors of customs and internal revenue, and other heads of offices and bureaus; (b) certain confidential or responsible officers, such as private secretaries, cashiers, and others, whom the head of the office has the right to choose; (c) the majority of the 50,000 fourth-class postmasters, appointed by the postmaster-general, and forming the largest group of unclassified officials. These offices, with the exceptions noted below, continue to be political agencies, and their occupants, being active politicians, are greatly aided by the power of their offices in affecting the political prospects of leaders in their districts or States. To this extent, therefore, the old evils of the spoils system persist comparatively unchecked.

Political  
activity of  
non-  
competi-  
tive  
service

When political activity on the part of the great political officers of the Federal Government, like the President and heads of departments, assumes the form of speech-making in explanation, defence, or advocacy of the policy of the administration, such political activity, so far from deserving condemnation, deserves hearty commendation. It is nothing more than the administration taking the people into its confidence. It is right and highly proper that the people should hear the policies of the administration discussed by those officials who are most responsible for and most familiar with them.<sup>1</sup>

<sup>1</sup> See *The Outlook*, XCVI, 575 (1910).

Many  
office-  
holders  
active  
in presi-  
dential  
cam-  
paigns

Criticism, severe and merited, however, is occasioned by the activity of *non-competitive* Federal office-holders in primaries and conventions in the interest of those to whom they owe their own appointments and by whose favor they continue in office. All this leads to neglect of duty and to absenteeism on a large scale. During every presidential campaign the government pays large sums in salaries to officials who devote themselves to politics, while their offices are left to the control of subordinates.<sup>1</sup> It is certain that office-holders played a great part in the presidential campaign of 1908. A comparison of the rolls of the Republican convention of that year with the roster of Federal office-holders shows that more than one-tenth of the delegates to the Chicago convention were Federal office-holders. In several delegations from Southern States more than one-third, and in two cases two-thirds, were office-holders, who of course were active locally in caucuses and conventions.<sup>2</sup>

Extension  
of the  
merit sys-  
tem to  
the coun-  
try post-  
masters

Much, therefore, remains to be done to check the political activity of office-holders by extending the competitive system so as to include many of the officials for whose appointment confirmation by the Senate is required, and especially the fourth-class, or country, postmasters. How to bring the latter under the competitive system has long been the "crux of civil service reform." The difficulties involved in extending the merit system to this large class of Federal officials do not all appear on the surface, but they are serious and require thorough study before prescribing the exact form of the remedy. In Novem-

<sup>1</sup> C. W. Eliot, *op. cit.*

<sup>2</sup> J. H. Choate, *op. cit.*

ber, 1908, President Roosevelt subjected to competitive examination the fourth-class postmasters in the whole region north of the Ohio and east of the Mississippi. By this order the President "snatched 15,000 officials at one stroke from the clutches of the politicians"—a fatal blow to one of the last strongholds of the spoils system. The reform thus begun has been widened in scope by the executive order of President Taft issued September 30, 1910, still further diminishing the number of non-competitive positions in the postal service,<sup>1</sup> and by the executive order issued in October, 1912, extending the competitive system so as to cover all the remaining fourth-class postmasters.

Postmasters of the first three classes, third-class assistant postmasters, collectors of customs and internal revenue, and other heads of offices and bureaus are still appointed by the President alone or in conjunction with the Senate, and before many of them can be brought under the competitive system Congress must vest their appointment in some head of a department or the Senate must consent to their classification. With the achievement of this highly desirable result the great purpose of civil service re-

<sup>1</sup> The order of September 30, 1910, placed in the competitive classified service the assistant postmasters and clerks at first and second class post-offices. It affected about 2,251 assistant postmasters, and about 1,400 clerks and 200 substitute clerks in post-offices not previously classified. See *28th Annual Report, United States Civil Service Commission*, 1910-11. An executive order issued in 1911 placed about 42,000 rural free-delivery carriers in the competitive classified service, while another executive order issued in December, 1912, placed more than 20,000 skilled workers in navy-yards under the protection of the merit system.

form will have been accomplished so far as it relates to the Federal Government.<sup>1</sup>

(4) Great  
reduction  
in num-  
ber of re-  
movals

(4) An enormous reduction in the number of removals of governmental officials for political reasons constitutes the last of the important political benefits attributable to civil service reform which we have space to consider. The greater degree of permanence in the government service thus brought about very largely explains the increased efficiency and greater economy of administration previously mentioned. The acts of 1820 and 1836 limiting to four years the term of large classes of government officials have not been repealed, but in practice they have been more and more disregarded by means of reappointments, and are never invoked as a justification for a "clean sweep" in government offices. Indeed, a "clean sweep," such as was common before 1883 with a change of executives, is now a thing of the past. On the contrary, the comparative permanency of tenure now enjoyed by government officials is a point bitterly attacked by opponents of civil service reform. It is complained that unfit men are kept in the service, being "protected by the rules." The truth of this charge the Civil Service Commission vigorously denies.

Presi-  
dent's dis-  
pensing  
power a  
serious  
problem

One feature connected with the Federal competitive system, namely, the "dispensing power of the President," should be noted as involving serious political consequences, since in the hands of a President un-

<sup>1</sup> In December, 1911, President Taft recommended that all local officers under the departments of the Treasury, the Interior, Post-office, and Commerce and Labor be placed in the competitive classified service.

friendly to civil service reform it renders possible the undermining of the whole merit system. By means of this power the President is able to make special exceptions to the civil service rules by appointments to offices within the classified list without any competitive or other examination. Between 1901 and 1907 there was a steady increase in the number of persons excepted from the ordinary requirements of the rules. In 1901 there were three; in 1902, twelve; in 1903, forty-three; in 1904, thirty-nine; in 1905, seventy; in 1906, seventy-one; and in 1907, seventy-eight; in all, 316. At this point President Roosevelt, feeling that the number was becoming excessive, adopted the policy of submitting in each case the reasons for the exception to the Civil Service Commission before the necessary order of exception was issued. This resulted in a material reduction of the number for 1908.<sup>1</sup>

It is not suggested that these numerous exceptions reduced the efficiency of the service, and all familiar with the administration of the civil service law realize that the system must not be made or allowed to become too rigid. The problem as to special exceptions is one upon which even the reformers have not been able to agree. Some approve and advocate the practice of making exceptions as a means of meeting emergencies and securing expert services without delay

<sup>1</sup> For the year ending June 30, 1910, there were only nineteen exceptions authorized by executive order. See *27th Annual Report, United States Civil Service Commission* (1909-1910), pp. 12, 72, 111. For the year ending June 30, 1911, there were forty-three exceptions. See *28th Annual Report, United States Civil Service Commission* (1910-1911), p. 10.



when most needed. Others, with equal sincerity, call this practice an exercise of arbitrary power, a precedent for indefinite extension and abuse in unfriendly hands, and tending to destroy public confidence. It has been suggested that a change in the civil service rules may be feasible whereby the initiation and consideration of all such cases in the first instance should be transferred to the Civil Service Commission, so that they shall not reach the President except upon its recommendation. The President would thus be relieved of a flood of applicants for office and the annoying and vexatious pressure for the consideration of exceptional cases which must be a considerable interference and trespass upon the time required for his vast and exacting duties.<sup>1</sup>

One additional point should be noted in concluding this phase of the subject: The Federal civil service under the merit system has improved in honesty and general character. "One now finds in the service of the government hundreds of university trained men who have entered on avenues of advancement in the public service that vie in attractiveness with academic careers. Furthermore, thousands of purely clerical positions in the departments are filled by men and women who in training and equipment for their duties would do credit to the best managed business houses in the land." Hence it is that "the common people now think of the government service, not as a charity or as affording a livelihood for incompetents, or as a means of paying and feeding the henchmen of political leaders, but as a great business organization for doing

<sup>1</sup> J. H. Choate, *op. cit.*

efficiently and honestly large pieces of business which the people want to have done well.”<sup>1</sup>

It can scarcely be repeated too often that all the worst evils of the spoils system still flourish comparatively unchecked in connection with the governments of our States and large cities. To these of course the Federal civil service act does not apply. Here at the present time exists the greatest need for the adoption and the vigorous and impartial enforcement of a competitive system of selecting appointive officers modelled upon the Federal merit system. Securely entrenched behind the thousands of offices in State and municipal governments, the machine politician is making his last fierce stand against the increasingly vigorous attacks of the civil service reform movement. Around these fortresses of corruption in the near future the greatest victories for clean government are to be won. Slowly but steadily the cause of reform has been effecting small breaches in the entrenchments.

Civil service reform in States and cities

The example set by the Federal Government in 1883 at once bore fruit in the enactment within a year by New York and Massachusetts of civil service laws which by subsequent amendments are now applicable to practically the entire public service in these important States. For over twenty years these were the only States with civil service laws. In all the others the spoils system ran riot until in 1905 Wisconsin and Illinois, and in 1907 Colorado and New Jersey, adopted similar laws for the State service in whole or in part. In 217 cities, twenty counties, and

<sup>1</sup> W. B. Shaw, in *Rev. of Rev.*, XXXI, 317 (1905).

seven villages the competitive system had been adopted in whole or in part by June 30, 1910. Since that date the principles of the merit system have continued to find increasing acceptance in connection with local and State governments.<sup>1</sup> In this result the progress of the commission form of city government has figured prominently.<sup>2</sup> An amendment to the State constitution, adopted in 1912, now makes the adoption of the merit system mandatory as far as practicable for State, county, and municipal offices in Ohio.

Sympathy of officials essential to success of civil service laws

Upon the character of the men selected to administer State and municipal civil service laws, and the degree of their sympathy with the purpose of such laws, almost as much depends as upon the character and provisions of the laws themselves. It is possible for the best law to be made a farce in its practical operation through indifference or hostility on the part of those charged with its administration. Such hostility on the part of Mayor Reyburn, of Philadelphia, and the consequent appointment by him of men to administer the law who shared his views, is the chief cause, it is believed, why the civil service law in that city has failed to produce better results. Civil service reformers in State and municipal politics should bear in mind that with the enactment of a civil service act the battle for good government is only partly won. The fight for reform must be continued in order to secure the appointment

<sup>1</sup> See *27th Annual Report, United States Civil Service Commission* (1909-10), p. 158; and *28th Annual Report* (1910-11), p. 133; also C. W. Eliot, *op. cit.*

<sup>2</sup> C. W. Eliot, *op. cit.*

of sympathetic officials to execute the laws. Here, as in so many other instances, eternal vigilance is the price of permanent reform. The preponderance of reliable testimony in all of the cities now working under the civil service reform method is that it constitutes a great improvement as to cost of service and as to efficiency over the spoils system. . . . Whether political conditions have been bettered cannot be demonstrated in every case, but can be clearly shown in Chicago, Milwaukee, and in some of the New York cities.<sup>1</sup>

The further supplanting of the spoils system in city and State governments would, it is firmly believed, elevate the motives and tone of party contests in State and municipal politics. It would bring into the service of the city and State governments men of higher aspiration and nobler aims; it would eliminate much of the personal element in party strife, and it would relieve public officials of "patronage-mongering" and allow them to attend to the high duties for which they have been elected. It would tend to suppress the State and city boss, for it would deprive him of by far his largest means of political subsistence.<sup>2</sup>

### QUESTIONS AND TOPICS

1. Early experiments with the merit system in the New York custom-house and post-office.
2. The debates in Congress over the civil service act of 1883. (See volumes of the *Congressional Record*.)
3. The work of George William Curtis, Dorman B. Eaton, and Carl Schurz in promoting civil service reform.

<sup>1</sup> *Ibid.*

<sup>2</sup> Woodburn, 260.

4. The opinion of the attorney-general of the United States on the constitutionality of the civil service act of 1883.

5. The history and work of the National Civil Service Reform League.

6. The attitude of Presidents Grant, Hayes, Garfield, and Arthur toward civil service reform as reflected in their messages.

7. The national platform declarations of different parties on the subject of civil service reform since 1868.

8. The extension or restriction of civil service reform under (a) Presidents Cleveland and Harrison, and (b) under Presidents McKinley and Roosevelt.

9. Civil service reform applied to the consular service of the United States.

10. The contest in 1908-09 between the President and Congress over the application of the merit system to the appointment of census officials for 1910.

11. How is the appointment of laborers in the employment of the Federal Government regulated under the civil service rules?

12. The administration of the civil service rules in the Philippines, Porto Rico, and Hawaii.

13. The general character of the civil service examinations, their preparation, and the machinery for administering them. Compare with the English and German examinations.

14. From the annual reports of the United States Civil Service Commission prepare a report upon the exceptional appointments to places within the competitive service made without examinations.

15. What may be said for and against the exemption of war veterans from the competitive examinations required of all other applicants for positions in the competitive service of the Federal Government or of the States?

16. The desirability and necessity of some form of retiring allowance for aged or disabled civil service employees.

17. The political activity of Federal officials in the presidential campaigns of 1908.

18. Recent violations of the civil service rules through political assessments.

19. What laws have been enacted in your State for a competitive civil service? What defects have appeared in their operation? How might these defects be remedied?

20. The spoils system and the merit system applied to the public school system in large cities.
21. What are some of the practical ways in which State and municipal civil service reform may be promoted?
22. Prepare a report on the operation of the competitive system in a large city like New York, Chicago, Philadelphia, Pittsburgh, Scranton, or Boston.
23. The arguments for and against the extension of State civil service rules to cover the selection of registration and other election officers, as in New Jersey.
24. President Taft's message of January 17, and April 14, 1912, recommending additions to the classified competitive service.
25. The political activity of Federal office-holders in the pre-convention presidential campaign of 1912.
26. The attempt in the second session of the 62d Congress (1912) to undermine the Civil Service Commission and the merit system.
27. Should the heads of administrative departments of municipal governments be chosen by competitive tests? The Boston method, since 1909. (See Munro.)

## BIBLIOGRAPHY

- Adair, H. N., *Civil Service Examination Papers* (1912). For the English civil service.
- Appleton's *Annual Cyclopædia*, 1882, 1883. For the early stages of the reform movement.
- Arnold, J. R., "The Philippine Civil Service," in *No. Am. Rev.*, CXCV, 238 (1911).
- Baldwin, F. S., "Retirement Systems for Municipal Employees," in *Annals*, XXXVIII, 6 (1911).
- Bonaparte, C. J., "Municipal Civil Service Reform," in *National Municipal Review*, I, 252 (1912).
- Brown, G. W., "English Civil Service Reform," in *Atlantic Monthly*, XLIII, 580 (1879).
- Brown, H. D., *Savings and Annuity Plan Proposed for Retirement of Superannuated Civil Service Employees. Senate Documents*, 3d session 61st Congress, LVI, No. 745, pp. 225 ff.
- Business Value of Civil Service Reform, The*. Testimonial from different official sources. (Pamphlet.)

- Call, H. B., "Practical Tests for Applicants for City Positions," in Philadelphia *Public Ledger*, March 23, 1913.
- Cary, Edward, "Civil Service Reform in New York," in *Harper's Magazine*, LX, 898 (1880). Detailed account of the early experiments in the New York custom-house and post-office.
- Catherwood, R., "Efficiency in the Public Service of Chicago," in *Proceedings of the National Civil Service Reform League*, 1909; hereafter cited as *Proceedings*.
- Century Magazine*, XLVIII, 306 (1894), "The Consular Service and the Spoils System."
- Chicago Civil Service Commission, *Civil Service Text-Book* (1910).
- Choate, Joseph H., "Twenty-five Years of Civil Service Reform," in *Proceedings*, 1908.
- Coles, H. C., "The Administration of the Civil Service Law in Porto Rico," in *Proceedings*, 1909.
- Committee of One Hundred (Washington, D. C.), *The Civil Service: Civil Pensions in Foreign Countries, Municipal and Private Systems in the United States*. (Pamphlet, 1912.)
- Curtis, G. W., *Orations and Addresses*, II.
- Dana, R. H., "The Merit Principle in the Selection of the Higher Municipal Officers," in *Proceedings*, 1903.
- *Civil Service Reform*. Attack and defence in the Massachusetts legislature. (Pamphlet, rev. ed., 1905.)
- Dewey, D. R., *National Problems*, ch. 2.
- Doyle, John T., "Civil Service Reform: A Decade of the Merit System," in *The Forum*, XIV, 216 (1892-93). Excellent summary for the first decade of reform.
- "Civil Service Reform," in Bliss's *New Encyclopedia of Social Reform* (1908).
- "Civil Service Reform Progress," in *Nat. Mun. Rev.*, I, 654 (1912).
- Durand, E. Dana, "The Merit System and the Census" (1910), in *Proceedings*, 1909.
- Eaton, Dorman B., "Civil Service Reform," in *Lalor*, I, 479.
- "A New Phase of the Reform Movement," in *No. Am. Rev.*, CXXXII, 546 (1881). Reply to Tourgee, below.
- *Civil Service in Great Britain* (1880). Originally published in *House Executive Documents*, 46th Congress, 2d session, XII, No. 1, pt. 7.

- Eliot, Charles W., "The Fundamental Reform," in *Proceedings*, 1909. (Also as pamphlet.)
- *Encyclopædia Britannica* (11th edition), VI, "Civil Service."
- Fairlie, J. A., "The Relation of Civil Service Reform to Municipal Administration," in *Proceedings*, 1905. (Also as pamphlet.)
- Fish, Carl Russell, *Civil Service and the Patronage* (1905).
- Fisher, W. L., "Efficiency in Civil Service Reform," in *Proceedings*, 1909.
- Foltz, E. B. K., *The Federal Civil Service as a Career*.
- Foster, W. E., *Literature of Civil Service Reform*. (Bibliographical pamphlet, 1885.)
- Foulke, W. D., "The Civil Service in Our New Dependencies," in *Annals*, XIX, 340 (1902).
- "The Advance of the Competitive System," in *Proceedings*, 1903.
- Goodnow, F. J., *Comparative Administrative Law*. 2 vols. On civil service in the United States and foreign countries.
- Goodwin, E. H., "Civil Service Provisions in Commission Charters," in *Annals*, XXXVIII, 808 (1911).
- "Draft of a Civil Service Law for Cities," in Nat. Mun. League *Proceedings* (1910), p. 577 ff.
- Harper, H., "The Constitutionality of Civil Service Laws," in *Pol. Sci. Quar.*, XXII, 630 (1907).
- Harper's Weekly*. Volumes issued during the seventies and eighties contain much material on civil service reform.
- Hoag, A. K., "The Practical Results of the Competitive Classification of the Fourth-class Postmasters," in *Proceedings*, 1909.
- House Executive Documents*, 2d session, 33d Congress, III, No. 2, pp. 97-98. On "pass" examinations.
- Jenckes, T. A., *Report of the Joint Select Committee on Retrenchment*, in *House Reports*, 40th Congress, 2d session, II, No. 47.
- Kettleborough, C., "State Civil Service Legislation for 1911," in *Am. Pol. Sci. Rev.*, VI, 235 (1912).
- Kiggins, F. M., "The Civil Service in the Philippines," in *Proceedings*, 1902.
- Library of Congress, *Select List of References on . . . Civil Service Pensions* (1903).



- Literary Digest*, XLIV, 5 (1912), "The President's Attack on the Pie-Counter." On President Taft's recommendation for the extension of the competitive system.
- Lodge, H. C., "Why Patronage in Office is Un-American," in *Century Magazine*, XL, 837 (1890).
- McAneny, George, "The Merit System as an Element in the Reform of the New York City Police Department," in *Proceedings*, 1902.
- MacVeagh, Franklin, "Civil Service Pensions," in *Annals*, XXXVIII, 3 (1911).
- Municipal Civil Service Commission of the City of New York, *Rules and Classification and Laws*. (Pamphlet.)
- Munro, W. B., *The Government of American Cities*, chs. 10-11.
- National Civic Federation, *Report on Municipal and Private Ownership of Public Utilities* (1907), I, 88-112, "Labor and Politics."
- National Civil Service Reform League, *Proceedings at Annual Meeting*, especially for 1902, 1903, 1908, 1909, 1910. Cited in this bibliography as *Proceedings*.
- Oakley, Imogen B., *A Sketch of the History of Civil Service Reform in England, India, and the United States*. (Pamphlet, 1904.)
- Ostrogorski, M., *Democracy and the Party System* (1910). See index.
- *Democracy and the Organization of Political Parties*, 2 vols. (1902). See index.
- Outline for the Study of Municipal Government in Its Relations to Civil Service Reform*. (Pamphlet, Worcester, Mass., 1905.)
- Outlook*, The, C, 722 (1912), "Patronage in Politics: A Poll of the Press." On activity of Federal office-holders in 1912.
- Parker, George F., "The Consular Service of the United States," in *Atlantic Monthly*, LXXXV, 455, 669 (1900).
- Pendleton, George H., "Report of the Committee on Civil Service and Retrenchment," in *Senate Reports*, 47th Congress, 1st session, No. 576 (1882).
- Pennsylvania Civil Service Reform Association, *Annual Reports of the Executive Committee*, 1908, 1909, 1910. (Pamphlets.) On conditions in Pennsylvania, especially in Philadelphia, Pittsburgh, and Scranton.

- Powers, F. P., "Reform of the Federal Service," in *Pol. Sci. Quar.*, III, 260 (1888).
- Prentiss, G. L., *Our National Bane: Or the Dry Rot in American Politics*. (Pamphlet, 1877.)
- Reik, H. O., "The Spoils System and the Merit System in the Public Schools System of a Great City" (Baltimore, Md.), in *Proceedings*, 1902.
- Reinsch, P. S. (editor), *Readings on American Federal Government*, 651 ff.
- Rice, Mrs. B. T., *Outline for the Study of Civil Service Reform*. (Pamphlet, rev. ed., Worcester, Mass., 1904.)
- Richardson, Charles, "The Spoils System in Philadelphia," in *Proceedings*, 1902. Describes conditions before the merit system was introduced.
- *A Municipal Revolution, or the Overthrow of the Spoils System in Philadelphia in 1905*. (Pamphlet, 1906.)
- Richardson, J. B., *Messages and Papers of the Presidents*, 10 vols. (See index.)
- Rogers, S. S., "George William Curtis and Civil Service Reform," in *Atlantic Monthly*, LXXI, 15 (1893).
- Roosevelt, Theodore, "Criticism of the Examination System Answered," in *Good Government*, XIV, 11 (1895). (Also as pamphlet.)
- "Politics and the Post-office," in *The Outlook*, C, 769 (1912). On political activity of postmasters in 1912.
- Salmon, Lucy M., *Syllabus for the Study of the History of Civil Service Reform*. (Pamphlet, 1903.)
- *Patronage in the Public Schools*. (Pamphlet, 1908.)
- Senate Executive Documents*, 1st session, 32d Congress, IX, No. 69; X, No. 95. On "pass" examinations.
- Shaw, Albert and H. E. Deming, "Civil Service Reform and Municipal Government, in *Proceedings*, 1897. (Also as pamphlet, 1897.)
- Shaw, W. B., "The College Graduate and the Civil Service," in *The Outlook*, LXXX, 129 (1905).
- "The Civil Service Under Roosevelt," in *Rev. of Rev.*, XXXI, 317 (1905).
- Sherwood, Grace M., "Employees Retirement Act of Massachusetts," in *Am. Pol. Sci. Rev.*, V, 433 (1911).
- Shuckers, J. W., *Civil Service Reform a Delusion and a Snare*. (Pamphlet, 1884.)

- Sparks, E. E., *National Development, 1877-1885*, ch. 12.
- Special Committee of the United States Civil Service Reform League, *Higher Municipal Appointive Officers and the Merit System*. (Pamphlet, 1907.)
- *Superannuation in the Civil Service*. (Pamphlets, 1906, 1907, 1909.)
- *The Activity of Federal Office-holders in Politics*. (Pamphlet, 1909.)
- State Civil Service Commissions, *Annual Reports* of, especially for Massachusetts, New York, and Wisconsin.
- State Civil Service Reform Associations, *Annual Reports* of, for different States, especially Massachusetts, Pennsylvania, New York, and Illinois, 1908-10.
- Survey, The*, XXII, 583 (1909), "Civil Service and the Chicago Librarianship."
- Swift, L. B., "Civil Service Reform: a Review of Two Administrations" (Cleveland's first and Harrison's), in *The Forum*, XIV, 201 (1892-93).
- Tourgee, A. W., "Reform vs. Reformation," in *No. Am. Rev.*, CXXXII, 305 (1881). Against civil service reform.
- United States Civil Service Commission, *Annual Reports* of, especially for the year ending 30 June, 1909.
- Vaughan, W. W., *Every Man on His Own Merits*. (Pamphlet.)
- Washburn, W. S., "The Administration of the Civil Service Law in the Philippines," in *Proceedings*, 1909.
- White, Andrew D., "Do the Spoils Belong to the Victors?" in *No. Am. Rev.*, CXXXIV, 111 (1882). A strong defence of the merit system.
- Willard, C. D., "Civil Service in American Cities," in *The Outlook*, LXXVI, 938 (1904).
- Women's Auxiliary of the New York Civil Service Reform Association, *Bibliography of Civil Service Reform and Related Subjects*. The best bibliography. (Pamphlet, rev. ed., New York, 1907.)
- Woodruff, Clinton Rogers, *The Merit System in Municipalities*. (Pamphlet, 1902.)
- "Civil Service Reform at Los Angeles," in *Nat. Mun. Rev.*, I, 639 (1912).

## CHAPTER XVI

### MACHINES AND BOSSES. THE TAMMANY ORGANIZATION. CONDITIONS PRODUCING AND PERPETUATING MACHINES AND BOSSES. THE TWO IN JOINT OPERATION. REMEDIES

In current discussions of practical politics no terms occur more frequently than "machine," "ring," and "boss." A political machine may be defined as a strict organization of *the working members* of a party designed to secure for a few party managers and their friends a predominating influence in the nomination, election, and appointment of public officers. A victorious machine is virtually an oligarchy of professional politicians. Although they are not always formally organized, there is a common understanding between them; they are bound together by personal though mercenary devotion.

"Machine" defined

The term "machine" is really a nickname. The members of the machine prefer to style themselves the "organization." One often finds, therefore, the terms Republican or Democratic "machine" and "organization" used interchangeably, especially in connection with municipal politics. The terms are, however, distinguishable. The real *organization* of a party is the hierarchy of committees which has been described in a previous chapter. Every State, county, and town has its party *organization* in this sense, but some

Distinction between "machine" and "organization"

States, and many counties and towns, are happily without any political *machine*. In the larger cities the series of committees which constitute the party *organization* is frequently identical with, or at least controlled by, a local *machine*, in which case it is not inaccurate to use the terms machine and organization as synonymous. Thus, for example, the Tammany machine is the Democratic organization in New York City, and the Republican machine in Philadelphia is the Republican party organization for that city. Sometimes the party organization for an entire State becomes the "State machine." Thus we have had the Hill machine controlling the Democratic organization in New York State, the Quay and Penrose machine in control of the Republican organization in Pennsylvania. Usually the term machine applies to some area less than an entire State. It is thus possible to find several machines within the same party in a single State. On the other hand, there is ordinarily only one Democratic or Republican organization for a State.

Another distinction between a machine and the party organization may be seen in the motives controlling each. As a rule the organization seeks primarily to promote the interests of the party as a whole. The members of the machine subordinate party interests to their own personal interests. More often than not these personal interests can best be advanced by loyalty to the party organization; but occasions not infrequently arise, especially in large cities, when the Democratic and Republican machines unite, regardless of party differences, to ac-

compish some common end or to oppose some common foe that for the time being threatens the very existence of one or the other machine. The machine politician is ever ready to sacrifice the party if thereby the machine can gain some important advantage.

"Ring" is a term frequently used as synonymous with the "machine," but these terms are also distinguishable. Just as ordinarily a machine is only a fractional part of the party organization, so a "ring" is usually a comparatively small clique or inner circle of the machine managers. The ring is bent upon accomplishing some purely selfish and usually corrupt end, such as looting the public treasury, securing lucrative contracts for public works, or obtaining valuable franchises. Thus we have had the Tweed Ring in the Tammany machine in New York City, and the Gas Ring in the Republican machine in Philadelphia.

Distinction between "ring" and "machine"

The most famous and probably the best organized political machine in existence to-day is that popularly known as the Tammany organization in New York City. A description of the way in which this machine is organized may be taken as fairly typical of the aims, at least, if not the achievements, of political machines in all our large cities, so far as perfection of organization is concerned.

The Tammany "machine"

(1) New York City is divided into thirty-five assembly districts, so called because each sends a representative to the State legislature. The Democratic voters in each of these districts elect annually at the primary a *district leader*. This district leader is the head of the Tammany organization in that district. The election of a district leader is accomplished as fol-

(1) Assembly district leaders

lows. Any member of the Democratic party who aspires to this position first ascertains how many members of the general committee (to be explained later) his district is entitled to. Then he proceeds to make up his "slate," that is, his primary ticket, containing his name first, followed by the names of his supporters, who thus become candidates for membership on the general committee. If this ticket wins at the primary his supporters on the ticket formally choose him "executive member" of the general committee for that district. The assembly district leader is the boss, for the time being, in his district; and his supporters named on the ticket just mentioned form the assembly district committee. They are also members of the general committee.

(2) Pre-  
cinct or  
district  
captains

(2) Each of these thirty-five assembly districts is divided into *election districts* or precincts, each with about four hundred voters. The assembly district committee, of which the district leader is chairman, appoints in each *election district* a *district captain*, of whom there are over eleven hundred. Each election district captain is assisted by from ten to twenty-five aids or lieutenants. The captain is responsible for getting out the full vote of his district, and is expected to be personally acquainted with all its voters. He is held to strict accountability by the assembly district committee, and he may be deposed by that committee, in reality by the district leader. The district captain is paid for his services and has some money to distribute on election day, and a few small jobs for his friends.<sup>1</sup>

<sup>1</sup> Beard, 667.

(3) The members of the assembly district committees, elected in the manner described above, together constitute the Democratic-Republican general committee.<sup>1</sup> The number of representatives on this general committee from each assembly district is in proportion to the vote at the last preceding election of governor or President. At the present time the apportionment is one representative for every twenty-five votes cast. Theoretically, this is a most democratic institution, since its members come from close contact with small units of party voters; but as a matter of fact its great size, consisting of about eight thousand, makes it an unwieldy body so far as actual control over party business is concerned. "Its size is defended on the practical ground that it enlists among the official workers of the party one man in twenty-five, and on the still more practical ground that it brings some \$80,000 a year into the party funds," each member of the committee being assessed \$10 annually.<sup>2</sup> Regular meetings of this general committee are held at stated intervals, a majority constituting a quorum. There are several sub-committees, including the executive committee, committees on law, legislation, printing, elections and election officers, public meetings, and rules. Every assembly district leader becomes a member of the general committee. In theory he is chosen by the members of the general committee for his assembly district; actually, he is elected in the manner described above.

(3) General committee

Sub-committees

<sup>1</sup> This is the official title of what is popularly called the Tammany organization, or "Tammany Hall."

<sup>2</sup> Beard, 661.



(4) Executive committee the real directing force

(4) The executive committee consists of one member from each assembly district—the district leader—and *ex-officio* the chairmen and vice-chairmen of the different standing committees and the treasurer of the general committee. No *ex-officio* member of this committee, however, has the right to vote except the chairman and treasurer of the general committee. The assembly district leader is always chosen by the members of the general committee from each assembly district as their representative on the executive committee. In order to centralize control in the hands of the executive committee, a rule has been adopted that each new member of that committee must be approved by the retiring committee, and if he is not so approved, the retiring committee may itself select an executive member in his stead—in other words, an executive committee once in power may perpetuate its control.<sup>1</sup> By this executive committee the internal affairs of the organization are directed, its candidates for municipal offices selected, and plans of campaign for their election arranged.

(5) District headquarters

(5) In each assembly district, headquarters are maintained the year round. These form important social clubs for the active party workers. There is also maintained in almost every assembly district a Tammany club-house frequented by the well-to-do faithful in that district. They go there to smoke, drink, read the news, and especially to play cards. The laboring population is also looked after by Tammany. Thus in one assembly district there will be the "Patrick Divver Association," in another the

<sup>1</sup> *Ibid.*, 662.

"Michael O'Hara Association," in still another the "Timothy D. Sullivan Association." This means that the leader after whom the association is named gives his constituents a vast free picnic, chartering steamers and barges, hiring a band, and providing more or less in the way of refreshments and amusement. Tammany, therefore, stands not only for politics, but also for sociability, amusement, and good-fellowship, and, it may be added, for philanthropy. These social features have contributed in no small degree to the success and permanence of the Tammany machine.<sup>1</sup>

The circumstances, conditions, and causes which have produced or promoted the development of political machines in this country may be summarized as follows:

(1) The spoils system has been, perhaps, the most important single factor. In the distribution of Federal patronage the President required an intermediary in each State, and so representatives in Congress, but especially senators, became the first State bosses. Their power was largely based upon their control of Federal offices within their States.<sup>2</sup> At the present time, control of State and municipal offices constitutes an even more important factor. "The cohesive power of the 'Organization' is offices," said a prominent

**Most important factors in development of machines:**  
(1) The spoils system

<sup>1</sup> H. C. Merwin, in *Atlantic Monthly*, LXXII, 244 (1898). "It is said that Tammany's contributions to the necessities of the poor equal from fifteen to twenty-five per cent of the amount annually expended for charitable purposes by New York's combined churches and benevolent societies." *The Outlook*, LXXXI, 550 (1905).

<sup>2</sup> See John Wanamaker's analysis of the famous Quay machine in Pennsylvania.

leader of the Philadelphia Republican machine. "We have ten thousand office-holders and they are all ours. Under the present administration no man can get an office unless he is loyal to the 'Organization.' If you want office or preferment in political life, you will have to get it through the organization. Foreigners, when they come here, vote the Republican ticket. Why? Because we have the offices and they expect favors from office-holders. In New York they vote for Tammany for the same reason. Our organization bears the same relation to Philadelphia that Tammany does to New York. The ownership of the offices means the power for withholding patronage, and for conferring favors upon citizens generally who, in turn, will support the organization. It is through this far-reaching power that the great Republican party is given its majority in this city and State. Without the offices, this great edifice would crumble and fall. . . ."<sup>1</sup>

And it may be added that the strength of *all* political machines springs from patronage, and they hold

<sup>1</sup> David H. Lane, quoted by C. R. Woodruff, in *Yale Review*, XV, 8 (1906-7). One important feature of the Philadelphia Republican machine is the completeness and thoroughness with which the organization takes care of its workers and yet subjects them to constant dependence upon it for support and maintenance. "The old plan of independent ward leaders was abolished, because it made necessary the taking of their wishes and views into consideration. Each ward leader with few exceptions . . . was given an appointive position so that at any time at which he might prove recalcitrant, he can be brought to terms by threatening removal. Councilmen were controlled by receiving clerkships in the administrative departments or by having their near relatives, sons, daughters, or others dependent upon them for livelihood, given appointive places. In this way or through subsidies to interests in which the ward leaders or councilmen were interested, the machine could depend at any

firmly together either from actual possession or the eager expectation of its complete control.<sup>1</sup>

(2) Among the most potent factors in the development of machines and bosses has been the multiplication of the number of elective offices which began early in the nineteenth century. As a means of diminishing aristocratic control of government, appointive offices were turned into elective by the wholesale. Even the heads of State executive departments that had been appointed by the governor or by the legislature were made elective; and the judges of State courts did not escape.<sup>2</sup> These changes, occurring almost simultaneously with the rapid extension of the spoils system, resulted in bringing forward the political specialists whom we usually call professional politicians and bosses. For it was early found to be impossible for the people at large to remember when the terms of so many officers expired and to make provision for the nomination and election of their successors. Nevertheless, this political work had to be done by some one, and still has to be done. The mass of voters being unable or unwilling to devote the necessary time to this work, it naturally fell into the hands of those who made it their chief, if not their only, business. To a certain extent, therefore, these political specialists are

(2) Multiplicity of elective offices

moment upon the unquestioning fealty of its retainers. It did not have to discuss ways and means with them, or secure their views. It knew that by the very simple process of threatening to cut off their bread and butter they could bring them to support the most iniquitous or arbitrary measures." C. R. Woodruff, in *Yale Rev.*, XV, 13 (1906-07).

<sup>1</sup> G. W. Curtis, *Orations and Addresses*, II, 164.

<sup>2</sup> H. J. Ford, *The Rise and Growth of American Politics*, 298, and Beard, 89 ff.

a genuine and a useful product of American democracy.<sup>1</sup>

(3) Big  
business  
corpora-  
tions

(3) The growth of big business interests desiring special privileges at the hands of State legislatures and municipal councils has contributed greatly to the power of machines and bosses. Corporations have found that the easiest way to obtain the privileges desired was to contribute money more or less regularly and generously to the support of the dominant machine in the State or municipality concerned, regardless of party.<sup>2</sup> Living to a great extent upon the corporations, bossism and machine politics have flourished best in States where big capitalist interests were concentrated, where corporations were most numerous, such as New York, New Jersey, and Pennsylvania; but they also flourish in many other places.<sup>3</sup>

(4) Political  
apathy  
of voters

(4) To the foregoing conditions and causes should be added the indifference and neglect of public duties characteristic of the average voter who is mainly engrossed in his own affairs, and takes no active interest in politics. These are the citizens who remain away

<sup>1</sup> H. J. Ford, *op. cit.* 299; Herbert Croly, *The Promise of American Life*, 118, 149. "The professional politician is frequently beaten and is being vigorously fought; but he himself understands how necessary he is under the existing political organization and how difficult it will be to dislodge him. Beaten though he be again and again, he constantly recovers his influence, because he is performing a necessary political task and because he is genuinely representative of the needs of his followers." *Ibid.*, 125.

<sup>2</sup> Behind Murphy, the head of Tammany, are the corporations whose hope of illicit gain lies in controlling the board of estimate and apportionment which determines the appropriations, lets contracts, and votes franchises. *The Outlook*, LXXXI, 646 (1905).

<sup>3</sup> Ostrogorski, II, 195, 197; Herbert Croly, *op. cit.*, 118.

from the primaries, and thus permit the selfish and unscrupulous members of their party to control the nominations, little appreciating the fact that the primaries are the strategic positions in our system of government, and that whoever controls them controls the government.

(5) Slavish devotion to one or the other of the national parties, the spirit which keeps men loyal to "regular" party action, whether that action is controlled by disinterested leaders or by knaves, has helped enormously to make the machine possible. This spirit manifests itself in the vast number of voters who can always be counted upon by the machine to vote the straight party ticket on election day, if the candidates be not too flagrantly offensive to the moral and political standards of the community, however inferior in merit they may be to the candidates of the opposing party.

(5) Slavish devotion to party "regularity"

(6) The great cities have afforded the best soil for the development of the political machine and ring. This is in part due to the fact that they contain the largest mass of manageable voters, especially the foreign voters, ignorant, easily led, and purchasable. District, ward, and city machines are often built up through ability to handle these voters as a mass at primaries and as floaters on election day. In the cities, furthermore, are to be found innumerable offices to be distributed as political prizes, along with abundant opportunities for jobbing and grafting in connection with the awarding of public contracts and municipal franchises.<sup>1</sup>

(6) Mass of manageable voters in large cities

<sup>1</sup> Bryce, II, 112.

"Bosses"  
and "boss-  
ism"

Leadership is necessary and inevitable in any large and efficient organization. By a process of natural selection, the modern political machine has evolved a hierarchy of managers or leaders who devote their entire time to politics. We have referred to them as the "bosses." Their successful manipulation of the party organization whereby elections are carried, offices distributed among their followers, and contracts and franchises awarded to themselves and their friends is commonly called "boss rule," "bossism," or the "boss system."

A boss is something more than a partisan or professional politician: there are many partisan or professional politicians who are not bosses. A boss is not the same thing as a bad or unprincipled politician: there are many bad and corrupt politicians who are not bosses. The boss is not only a partisan and professional politician, but a political machinist as well—a political machinist who uses the local machinery of the national party to which he belongs for his own personal advantage in the political affairs of the State, county, city, or district of which he happens to be boss. From this it will be seen that "the word boss connotes a territory, as much as the word king. A boss must be a boss of some place, and an unattached boss is as inconceivable as an unattached king."<sup>1</sup>

Evolution  
of the  
boss

There are instances where men of high birth and aristocratic affiliations have built up a political machine and leaped into prominence as political bosses almost at a single bound. Such cases, however, are rare, and are due to exceptional circumstances in which

<sup>1</sup> F. C. Lowell, in *Atlantic Monthly*, LXXXVI, 289 (1900).

the possession of great wealth, unusual personal magnetism, and extraordinary skill in managing men play a most important part. In the vast majority of cases, on the other hand, the State or the city boss is of humble origin, and is the product of evolution through successive stages. From a mere "worker" at the polls or primary, with influence limited to a narrow circle of neighbors, he becomes the lieutenant or "heeler" of some election district or precinct leader. In time he himself becomes leader in his election district; then he becomes ward or assembly district boss or leader. The final stage of his development is reached when the assembly district leaders, nominally of equal rank, find one of their number who commands their obedience by his strength of will, his cleverness, his audacity, and his luck. "By tacit agreement every one wheels into line behind this man, recognizing him as the supreme chief, and we have the city boss, at the head of the city machine." An analogous process of selection brings to the front the State boss, at the head of the State machine. The nearest approach to a national boss is found in the political career of the late Senator Hanna.

The one supreme quality needed in a political leader who aspires to become a boss is skill in handling men. He becomes boss who shows the most energy, resourcefulness, and tact in managing those leaders who in turn know how to manage or influence the masses of the voters. He is constantly, at every stage in his career, studying the men about him and their weak points, and by trading upon the latter he tries to secure as large a following as possible. Other personal quali-

**Qualities  
which con-  
tribute  
to his  
success**



ties, such as personal magnetism, generosity, and geniality coupled with a certain degree of reserve, are, of course, important factors in his success. On the whole, however, the qualities which tend to make a man a successful boss under our present conditions are not apt to be of the kind that make him serve the public honestly or disinterestedly. In the lower city wards the boss is often, if not generally, a man of grossly immoral public or private life. On the other hand, city and State bosses are often men with at least a veneering of culture and refinement, whose private life is blameless, however low may be their standards of political morality.<sup>1</sup>

The more powerful bosses seldom come before the public as candidates for elective office. The State boss usually prefers the office of United States senator because his election is by the legislature, in connection with which there is abundant opportunity for intrigue, and in intrigue every boss is an adept. Then, too, there is a large amount of Federal patronage still connected with the office of senator, in spite of the results of the civil service reform movement. Often, however, the State, as well as the city, boss is content to remain in the background holding no office, or else some obscure appointive one, but wielding none the less an enormous power.<sup>2</sup>

It is important to distinguish between bosses and real political *leaders*. Bosses, as a rule, disclaim any such title; they prefer to call themselves "leaders," but there is an important distinction. A true political

<sup>1</sup> Theodore Roosevelt, in *Century Magazine*, XXXIII, 74 (1886).

<sup>2</sup> F. J. Goodnow, *Politics and Administration*, 169.

leader leads by moulding and guiding the popular intelligence by the sympathy of common convictions, by resistless argument, and burning appeal. As ex-President Roosevelt trenchantly put it: "The difference between a boss and a leader is that a leader leads and a boss drives. The difference is that a leader holds his place by firing the conscience and appealing to the reason of his followers, and that a boss holds his place by corrupt and underhand manipulation. The difference is that the leader works in the light of day, while the boss derives the greater part of his power from deeds done under cover of darkness."<sup>1</sup>

Distinction between bosses and genuine political leaders

*Personal qualities* thus being primarily responsible for the rise of the successful boss, other factors assist in perpetuating his power. Among these factors should be noted his *control of campaign funds*. Every boss sees to it that all campaign funds for use among his constituents pass through his hands or those of his direct representative. The head of Tammany, for example, knows, and draws freely upon, all the possible sources for campaign funds with which to perpetuate the power of the Tammany machine, distributing these as he deems wisest for the good of the machine, and especially the advancement of his own personal supremacy. When especially hard pressed, a boss will blackmail business corporations or financial institutions for additional funds.<sup>2</sup> For the money which he handles the boss is never held to strict accountability. So long as the machine triumphs and his lieutenants

The boss controls campaign funds

<sup>1</sup> At the New York Republican State convention, September, 1910.

<sup>2</sup> Ostrogorski, II, 409.

receive a satisfactory share of the spoils of victory, he may lay up as large a private fortune as circumstances seem to warrant.

The boss  
dis-  
penses  
charity

Some bosses, especially ward or district bosses in large cities, become the dispensers of charity on a large scale. The money by which all this charity is made possible may have been obtained by blackmailing corporations, or as a bribe, or collected from disreputable resorts. The social service thus rendered is, of course, in no small degree prompted by mercenary motives. Nevertheless, when the boss is "kind to the poor" his grateful constituents can almost always be relied upon to repay him with their votes on primary and election days.

Having thus outlined the principal conditions which have produced the political machine and the political boss, we may consider the two in joint operation.

Opera-  
tions of  
the boss  
and ma-  
chine:  
(1) con-  
trolling  
nomina-  
tions and  
winning  
elections

(1) The boss and the machine hold the keys to all our leading offices through their control of nominations and ability to carry elections. When the machine is dominant, any one wishing, for example, to become a municipal councilman or a member of the State legislature, must come to terms with the machine, "see" the boss, and obtain his approval before he can secure what is called a "regular" nomination. Then, having succeeded in transforming elections into an industry and being able to deliver its product on the most favorable terms, the machine takes orders and contracts for the carrying of elections, thus saving candidates the trouble and expense of courting popular support with their own resources alone.<sup>1</sup>

<sup>1</sup> Ostrogorski, *Democracy and the Party System*, 245.

(2) But the control of the boss and the machine does not stop with the nomination and election of candidates receiving the hall-mark of their approval. Theoretically, the public administrative officers of the local and State governments are responsible to the people for the good government of the State or locality. Their actual power, however, is smaller than their official authority. Often they are almost completely controlled by the machine which secured their election or appointment. In States or cities subject to machine rule, practically every official must put all his personal and official influence at its disposal. "The executive, and in general, the officials who are at the head of a department, are the first prey of the machine, for they dispose of what the machine wants above all things—the subordinate offices in the public administration with which it pays its henchmen and its workers. The department chiefs make over to it the patronage which is intrusted to them by law. The municipal machine claims it from the mayor; the State machine claims it from the governor; the State boss extorts the nominations to the Federal places of his State from the President of the United States."<sup>1</sup> It is not the patronage alone that administrative officers place at the command of the machine. In the performance of a wide range of discretionary acts they are also called upon to obey the behests of the machine. The leader or leaders of the machine are therefore the real rulers of the community, even though they occupy no offices and cannot be held in any way publicly responsible.

(2) Influencing administrative policies

<sup>1</sup> *Ibid.*, 246.

(3) **Ma-  
nipulating  
legislative  
bodies**

(3) Even the deliberative functions of the State legislature in not a few States have absolutely ceased to exist *for many purposes*. The legislature registers as automatically the will of the boss and the machine and as little the results of its own deliberations as does the electoral college in the election of the President. "The form of a legislature survives, but the substance and the spirit have vanished. . . . The legislative power . . . is exercised by one man or a small self-constituted group through dummies who are still in name representatives of the people."<sup>1</sup> Sometimes this is because the machine "owns" a certain number of members of the legislature whose election expenses it has paid. These tools of the machine form a nucleus which is quickly enlarged by intimidation and corruption brought to bear on the independent members. Anti-machine or "independent" members are brought to their knees by the risk of the defeat of bills in which their constituents are particularly interested. The legislation which the machine demands or extorts from the legislature is varied. Sometimes it is the creation of new offices to be distributed among the politicians, fiscal and other favors for the companies which are its financial backers, the reduction of taxes on private corporations, the creation of private monopolies, etc.<sup>2</sup>

<sup>1</sup> For an admirable picture in fiction of a boss-ridden legislature see Winston Churchill's novel *Coniston*. For many years the State boss of Rhode Island occupied an office in the State capitol during sessions of the legislature. In Missouri at one time the boss used to sit behind a curtain back of the speaker's chair and from there send in his orders or amendments to bills.

<sup>2</sup> Ostrogorski, *op. cit.*, 247-248. Although a boss or machine may control absolutely all State legislation, he or the machine

(4) Even the administration of justice does not escape the baneful and corrupting influence of the machine, for the judiciary, being elective officers in most States, are, like the others, in need of being put upon the party slate in order to secure nomination and election. The police magistrates in the cities are especially the tools and henchmen of the machine. They help the machine to control the lower strata of the voters. Of the higher magistrates, the machine wields the most pernicious influence over the prosecuting officers by making them dismiss or suspend prosecutions against their adherents. The higher judiciary discharge their duties with a fair degree of honor and impartiality so long as "politics" are not involved. But whenever the interests of the party and of the machine to which they owe their own election are at stake, it is not unnatural that they should be liable to be influenced by party considerations. The boss can make them atone for their independence. More than once a frown from the boss has been enough to terminate the most brilliant and most dignified judicial career.<sup>1</sup> Many bosses deem it wise, however, to leave the higher judiciary entirely outside their sphere of influence.<sup>2</sup>

(4) Tampering with administration of justice

rarely attempts anything so ambitious. The machine knows "that to attempt to dictate to its followers on general legislation would only weaken its authority over them, and hence it confines its attention to the distribution of spoils, to laws that bear upon electoral machinery, and such bills as affect directly the persons from whom it draws its revenues." A. L. Lowell, in *Am. Hist. Assn. Report* (1901), p. 349.

<sup>1</sup> Ostrogorski, *op. cit.*, 249.

<sup>2</sup> On the relations sometimes existing between big business, machines, and the courts, see a series of articles by C. P. Connolly, "Big Business and the Bench," in *Everybody's*, XXVI, 147, 391, 459 (1912).

In some States democratic government is transformed into virtual autocracy

As a result of this almost complete machine control of executive and legislative departments, there has been no truly free government in New York, Pennsylvania, Delaware, Missouri, Illinois, and probably other States for many years past. New York, for example, has been ruled by a Hill, a Platt, an Odell, or a Murphy, "with as complete indifference to public interests, popular convictions, and the desires of the voters of the State as if these irresponsible rulers held their places by divine right or by military authority." The same is true of other States. The people have allowed their policies to be determined by a group of men who were sometimes not even in public life, held no official positions, were paid no salaries, clothed by no authority, elected by no exercise of the suffrage. Measures of the highest importance have been decided upon in secret conclave, pushed through the legislature practically without discussion, under instructions to legislators who have been mere puppets responding to the strings that were pulled from behind. The business of the State has been transacted out of sight, on the back stairs, in whispering-galleries, and the people of the State have been led like sheep, and like sheep they have paid the penalty. "Greater enemies this country has never had than men like Platt, Odell, Addicks, and Quay, who have transformed free government into autocracies, annulled the fundamental charters of the country, and made popular government an object of satire, if not of derision, throughout the world."<sup>1</sup>

(5) In many, especially in great industrial, States, and in large cities, there has come to exist an alliance,

<sup>1</sup> *The Outlook*, LXXXII, 67 (1906).

"a virtual partnership" between the great public service corporations, such as the railroad, trolley, and gas companies, and the political leaders of both the Democratic and Republican party organizations. As a result of this partnership the bosses give the necessary orders to their henchmen, whereby the corporations in question receive from legislative bodies or public officials franchises and special privileges and advantages. In return for these privileges the corporation managers grant certain favors to the party leaders or bosses. These favors assume different forms. Sometimes "retainers" in the form of direct money payments are given to the boss. At other times heavy contributions are made to the party campaign fund. On still other occasions, opportunities are offered for safe and profitable business ventures. All favors are adjusted to the moral standards of the particular boss or leaders. The corporations recoup themselves from the public in excessive rates and exemptions from taxation, or in other ways. Where such a partnership exists, it is always understood and expected that candidates will be nominated by the bosses in both parties who can be trusted to do nothing, if elected, to interfere with these privileges, when granted, and who will help to grant new ones when needed.<sup>1</sup> Many of the fierce factional fights that go on within party organizations are over the tremendous prizes of the nature described above awaiting exploitation by those who succeed in gaining control of the machine, and through

(5) Securing favors for special interests

<sup>1</sup> For instances of such a partnership in Denver, Col., see Judge Ben B. Lindsay's "The Beast and the Jungle," in *Everybody's*, XXI, 433, ff. (1909).



it of the officials in whom is vested the power to award these prizes.<sup>1</sup>

(6) Enlist-  
ing the  
support of  
laboring  
men and  
lowest  
class  
interests

(6) Every machine makes great exertions to secure the friendship of those who, through their business or position, can serve as recruiting sergeants. For this purpose it makes friends in the workmen's trade unions, in the factories and the workshops, and even descends to the lowest steps in the social ladder to get useful help; it gets hold of the keepers of lodging-houses, of gambling-houses, and of every kind of den frequented by the criminal or semi-criminal class; it gets hold of the saloon-keepers by insuring them protection against the police and the law, or by paying them directly. Since their co-operation is particularly appreciated, very often the machine takes them into partnership and confers on one of them the position of "captain" of the precinct in which his saloon is situated.<sup>2</sup>

Causes of  
periodical  
revolt  
against  
machine  
rule

Against boss rule, or machine domination, in State and municipal politics, revolts break out almost periodically, attended with varying degrees of success and permanence. Usually several causes combine to produce these revolts, among which may be noted the increasing conviction that machine domination is essentially undemocratic, the quickening of the public conscience, the arrogance and disregard of public sentiment on the part of some boss or machine drunk with power, and disclosures of widely ramifying cor-

<sup>1</sup> For example, the bitter factional fight within the ranks of the Republican organization in Philadelphia in 1911 between the followers of the Vare brothers and those of Senator Penrose and State Senator McNichol.

<sup>2</sup> Ostrogorski, *op. cit.*, 239.

ruption and maladministration often traceable to an alliance of big business interests with the bosses and machines. Out of these revolts have come the following *suggested remedies* for boss or machine rule:

(1) The initiative, referendum, and recall are reserved for fuller treatment elsewhere in this volume,<sup>1</sup> but they should at least be mentioned in this connection as among the most important of recent devices for reducing the influence of political machines both in legislation and administration. Mention should also be made of the direct primary which can be utilized to weaken the machine control of nominations, though its efficacy in this direction can easily be overestimated.

(2) A reduction in the number of elective offices will remove one of the fundamental causes of the development of machines and bosses. With the success of the short ballot movement, the average voter will come to feel that he can exert a more intelligent and direct influence upon nominations and elections, and will therefore feel an incentive to greater political activity. The work of selecting candidates and looking after their campaigns, which now renders the professional politicians almost indispensable, would be reduced to a minimum. This would not by any means entirely eliminate the machine or the boss. No doubt the machine would seek to name and thus to control the few remaining elective officers because of the increased patronage attaching to their offices; but it would be much easier for the public permanently to exert a decisive influence in the choice of officials than under present conditions.

***Remedies:***  
 (1) Direct  
 legislation  
 and the  
 recall

(2) The  
 short  
 ballot

<sup>1</sup> Chapters XVII and XX.

(3) In-  
dependent  
voting

(3) More independent voting, manifested in a disposition to discriminate between good and bad nominations, would tend to weaken the machine. As explained above, the boss relies for much of his power upon slavish loyalty or party "regularity"—the practice of the great majority in voting a straight party ticket. "If we would have good crops in the field, we must scratch the weeds out. If we would have good men upon the ticket, we must 'scratch' bad men off."<sup>1</sup> This is, of course, only a corrective, not a radical, remedy.

(4) Di-  
vorcing  
State and  
national  
elections

(4) Much could also be accomplished in overthrowing machine control if municipal and State elections could be divorced from national elections and national issues. It seldom happens that national issues have any vital connection with State issues, still less with municipal issues. But bosses rely upon loyalty to the national party among the rank and file of the voters to carry State and municipal elections. To cover up the misdeeds of the State or city machine, the cry is raised that the success of the party in the approaching national election, or the existence of the tariff, will be endangered by the election of the candidates of the opposing party or of independent candidates. This campaign "dodge" has been employed so often in the past that intelligent voters are being deceived less and less by it.<sup>2</sup> This fact and the recent increase in independent voting furnish much encouragement to the anti-machine forces.

<sup>1</sup> G. W. Curtis, *op. cit.*, II, 158.

<sup>2</sup> This "dodge" was very conspicuously resorted to by the Republican organization in Philadelphia in 1911 against the movement for reform in the municipal administration, but utterly failed to accomplish its purpose.

(5) The creation of a wider interest in politics which will find expression in a greater participation by good citizens in the primaries and in work at the polls on election day would also do much to lessen the hold of the machine upon local and State politics. "When good men sit at home not knowing that there is anything to be done, nor caring to know; cultivating a feeling that politics are tiresome and dirty, and politicians vulgar bullies and braves; half persuaded that a republic is the contemptible rule of a mob, and secretly longing for a splendid and vigorous despotism—then remember it is not a government mastered by ignorance, it is a government betrayed by intelligence; it is not the victory of the slums, it is the surrender of the schools; it is not that bad men are brave, but that good men are infidels and cowards."<sup>1</sup>

(5) Increased political activity of "good" citizens

(6) The extension of civil service rules to Federal appointments not covered by the competitive system, as well as the enactment, followed by strict enforcement, of State and municipal civil service laws, would be perhaps the most effective means available at present, for undermining the power of the boss and the machine. "It is the command of millions of the public money spent in public administration, the control of the vast labyrinth of place, with its enormous emoluments; the system which makes the whole civil service the spoils of party victory. . . . it is upon this that the hierarchy of the machine is erected."<sup>2</sup>

(6) Extension of civil service reform

(7) The divorce of big business interests from practical politics would be another damaging blow to the domination of the machine. Stringent laws, properly

(7) Anti-lobbying and publicity laws

<sup>1</sup> G. W. Curtis, *op. cit.*, I, 269.

<sup>2</sup> *Ibid.*, II, 160.

enforced, regulating lobbying in legislative bodies, and laws requiring publicity of campaign contributions and the prohibition of campaign contributions by corporations,<sup>1</sup> have accomplished much in this direction. Nevertheless, this will long remain one of the most difficult and perplexing problems with which to deal successfully by legislation so long as the interests of the corporations and of political machines run parallel. Already, however, there is seen to be a growing divergence of these interests in many States, which is indeed a hopeful and encouraging sign.

(8) Dis-  
interested  
and ef-  
ficient  
philan-  
thropic  
organiza-  
tions

(8) Finally, the creation of more efficient and well-endowed philanthropic organizations, which shall take over and perform disinterestedly the varied forms of social service now rendered by the district or ward boss in our large cities, must not be omitted from this enumeration of possible remedies for boss rule in municipalities.<sup>2</sup> Until this is done it is clear that no permanent elimination of boss control in municipal politics can be expected.

For the district or ward boss in our large cities is something more than a mere cog in the political machine. He is a social force. As such he constitutes one of the most formidable obstacles to municipal reform, and one of the most subtle forces to be overcome in the struggle for good government. To many the term "ward boss" is synonymous with the lowest and most corrupt form of political leader. His low standards of political morality need be neither questioned nor defended. But there remains the fact that

<sup>1</sup> See chapters XI and XX.

<sup>2</sup> See Jane Addams, *Democracy and Social Ethics*, ch. VII.

no permanent reform can be achieved until some efficient substitute is found for the important social service which he renders to his people, especially a boss of the type of the late "Little Tim" Sullivan in New York City.

The ability to place reform administrations in power, and, above all, the ability to keep them there, depends, fundamentally, upon the ability to control or command votes, and so to administer or to remodel, when necessary, the governmental machinery that it shall minister to genuine social needs. In the great cities it is the poorer, ignorant classes who, by reason of their solidarity and numerical voting strength, hold the balance of power. A reform administration cannot, under present conditions, hope to remain long in power unless it can gain the support of this large class of citizens. It is to this class that the ward boss ministers in a very direct way, and ministers not spasmodically, but continually. He is able to do this because he lives in close touch with his people, understands them, knows their needs and is able to obtain money in devious ways with which to assist them. They keep him in power because he is the embodiment of their ideal of goodness. When they have been in distress of any kind, he has succored them; when the rent has fallen due and eviction has stared them in the face, his hand alone has saved them; when they have been out of work, he has found them jobs; when sickness befell them, he has sent a physician to heal; when the abhorred pauper burial seemed inevitable, he has provided a respectable funeral. They know that in the scorching days of summer his beneficence has provided

Social service rendered by some ward bosses

free excursions to the cool countryside; that his bounty insures each Thanksgiving and Christmas season the free distribution of turkeys and ducks, unmarred by any calculating limitations of one to a family; that when the hearth-fire has burned low in winter, his charity has provided fuel and clothing.

**Its significance not appreciated by reformers**

His people know full well that all this care and watchfulness and generosity is no respecter of persons, but goes alike to Jew and Gentile, deserving and undeserving, Republican and Democrat.<sup>1</sup> His people are too simple-minded and grateful and generous themselves to look this gift-horse in the mouth and raise the cry of "tainted" money. It is neither surprising nor unnatural, therefore, that when election day comes around, and the boss tells them he needs their help, that they repay him in the only coin they have, namely, their votes. To them the axiom that government exists for the welfare of the people is no meaningless abstraction, but a concrete reality written large in the deeds of their benefactor, incarnated in the personality of their boss. He is all the government that they know. In thus realizing this ideal of democratic government, the ward or district boss has thus far been vastly more successful than the ordinary reformer. To the latter politics is, more often than not, something apart from every-day life and crying human needs; it is an episode. The reformer's efforts are disproportionately directed to externalities, to improvements in the governmental machinery. So much energy is often devoted to keeping the ma-

<sup>1</sup> See Beard's *Readings*, 581 ff., on "Charity in Tammany Politics."

chinery going that the fundamental purpose of government, the welfare, social and economic, of the plain people, is sometimes obscured, if not entirely lost to view. To the ward boss, on the other hand, government means more than the loaves and fishes, the spoils of office; it is more than a machine. It is a thing of flesh and blood, directly and vitally capable of ministering to exceedingly real social and economic needs of his people. When municipal reformers are willing to humble themselves, lay aside their holier-than-thou spirit, and study the methods of the ward boss, learn to minister as he ministers, and then set themselves not merely to recasting the governmental machinery, but also to the creation of pure, efficient, and vital human institutions to do the philanthropic work which the ward bosses do, then, and not till then, it is to be feared, will permanent success be achieved. Until now the children of darkness have been wiser in their day and generation than the children of light, and the latter may well ponder the lessons to be drawn from careers of some of our famous ward or district bosses of the type of "Little Tim" Sullivan.

#### QUESTIONS AND TOPICS

1. Make a careful analysis of the intellectual and other personal qualities essential to a successful boss. (See Ostrogorski.)
2. What are the various tricks and devices of political machines to hoodwink and retain the support of "respectable" voters? (See Ostrogorski.)
3. The geographical distribution of political machines at the present time in the United States. (See Ostrogorski.)
4. Explain how the opening up of new city streets, boulevards, and parks is utilized by machines and bosses for their personal profit.



5. An account of machine domination in recent years in each of the following cities: Minneapolis, Chicago, San Francisco, St. Louis, Philadelphia, Pittsburgh, Baltimore, and Albany, N. Y. (See Steffens.)

6. The career and methods of the following men as State bosses: Aaron Burr, DeWitt Clinton, Thurlow Weed, Roscoe Conkling, David B. Hill, Thomas C. Platt, and Benjamin Odell, in New York; Matthew S. Quay and Boise Penrose, in Pennsylvania; the late "Boss" Brayton, in Rhode Island; and A. P. Gorman, in Maryland.

7. The career and methods of prominent ward or district bosses, like "Little Tim" Sullivan, in New York City, and John J. Coughlin ("Bathhouse John") and Michael Kenna ("Hinky Dink"), in Chicago.

8. Martin Van Buren and the Albany regency.

9. The origin and history of Tammany Hall down to the time of Tweed's ascendancy.

10. The Tweed Ring: its methods and downfall.

11. The New York Canal Ring in the seventies and its overthrow.

12. Tammany under the leadership of John Kelly, Richard Croker, and Charles F. Murphy, respectively.

13. The career and machine of William Barnes, Jr., in Albany, N. Y. (see series of articles in New York *Evening Post*, September, 1910), and of George B. Cox in Cincinnati. (See Turner.)

14. How have reform movements against machine rule in various places been organized and conducted? Why has each succeeded or failed?

15. The career of Everett W. Colby and of Mark Fagan, in New Jersey, and Winston Churchill, in New Hampshire.

16. Discuss the merits of Governor Hughes's recommendation for responsible party leaders in New York and compare with Mr. C. J. Bonaparte's proposal for an "elective boss."

17. Sir Robert Walpole as a political boss. (See standard English histories.)

18. George III as a political boss. (See Porritt, and *Correspondence of George III and Lord North*.)

19. Bossism in contemporaneous English politics.

20. The relation of the police department in large cities to machine politics.

21. Graft in connection with the Pittsburgh public school system. (See *Bulletin* of the Pittsburgh Voters' League.)
22. What effect has the introduction of the commission form of government had upon political machines in cities?
23. Jay Gould as a capitalist-politician.

## BIBLIOGRAPHY

- Addams, Jane, *Democracy and Social Ethics*, ch. 7. On the philanthropic work of the ward boss.
- Atkinson, C. R., "Recent Graft Exposures and Prosecutions," in *Nat. Mun. Rev.*, I, 672 (1912).
- Beard, C. A., *American Government and Politics, and Readings*, chs. 7, 30.
- Bennett, W. S., "The Effect of Immigration on Politics," in Nat. Mun. League, *Proceedings* (1909), p. 142.
- Bingham, T. A., "The New York Police in Politics," in *Century Magazine*, LXXVIII, 725 (1909).
- Bishop, J. B., "The Price of Peace," in *Century Magazine*, XLVIII, 667 (1894). On bosses and big business in New York.
- Blankenburg, R., "Masters and Rulers of the Freemen of Pennsylvania," in *The Arena*, XXXIII, XXXIV (1905). See index.
- Bliss, W. D. P. (editor), *New Encyclopedia of Social Reform*, article, "Corruption."
- Bonaparte, C. J., "An Elective Boss," in *The Outlook*, XCIII, 765, 773 (1909).
- Boston Finance Commission, *Reports*, 7 vols. (1908-12).
- Brooks, Sydney, "The Politics of American Business," in *No. Am. Rev.*, 708 (1911).
- Bryce, James, *The American Commonwealth*, II, chs. 63-64, 68, 88-89 (4th edition). Includes chapters on Tammany and the Philadelphia Gas Ring.
- Cannon, J. F., "Under the Prophet in Utah," in *Everybody's*, XXIII, 723 (1910-1911).
- Century Magazine*, XLIV, 154 (1892), "The Machine vs. the People." On David B. Hill's machine in New York.
- Coler, B. S., "Commercialism in Politics," in *The Independent*, LIII, 2561 (1901).
- Croly, Herbert, *The Promise of American Life*, chs. 5-6.

- Curtis, G. W., *Oration and Addresses*, II, 145 ff., "Machine Politics and the Remedy."
- Edmonds, F. S., "Significance of the Recent Reform Movement in Philadelphia," in *Annals*, XXVII, 180 (1906).
- Edwards, E. J., "History of Tammany Hall," in *McClure's*, IV, 445, 569; V, 132, 325, 542 (1894-95.)
- Ford, H. J., *The Rise and Growth of American Politics*, ch. 24.
- Garvin, L. F. C., "The State Boss and How He May be Dethroned," in *Century Magazine*, LXXVI, 310 (1903).
- Godkin, E. L., "The Nominating System," in *Unforeseen Tendencies of Democracy*.
- Goodnow, F. J., *Politics and Administration*, ch. 8, "The Boss."
- Green, G. W., "Our Nominating Machines," in *Atlantic Monthly*, LII, 323 (1883). Chiefly on the methods of the Tweed Ring.
- Hamilton, J. J., *The Dethronement of the City Boss* (1909). On effects of commission government upon machine rule.
- Harper's Weekly*, volumes for the years 1868-71 contain much on the Tweed Ring, especially the famous cartoons by Thomas Nast.
- Hart, A. B., *Actual Government*, 98 ff.
- Hart, J. A., "The Political Tangle in San Francisco," in *World's Work*, XIII, 8749 (1907). On the rise of Schmitz and Ruef.
- Hodder, A., "A Fight for the City," in *The Outlook*, LXXIII, 159, 203, 251, 284, 393, 437 (1903). On District Attorney Jerome's campaign in New York City in 1901.
- *A Fight for a City* (1903).
- Howe, F. C., *The City: The Hope of Democracy*, chs. 6-7.
- Independent*, *The*, LIV, 845 (1902), "The Confessions of a Boss."
- LV, 1013 (1903), "Defence of a Political Boss by Himself."
- "Independent," "The Political Career and Character of David B. Hill," in *The Forum*, XVIII, 257 (1894).
- Investigation of the Offices and Departments of the City of New York*, 1899. Especially on Croker's control of Tammany and the connection of the police with politics.
- Ivins, W. M., *Machine Politics*, in New York City (1897).
- Johnston, A., "The Albany Regency," in *Lalor*, I, 45.

- Kennan, George, "The Fight for Reform in San Francisco," in *McClure's*, XXIX, 547 (1907).
- "Criminal Government and the Private Citizen," in *McClure's*, XXX, 60 (1907).
- Leavitt, J. B., "Criminal Degradation of New York Citizenship," in *The Forum*, XVII, 659 (1894).
- Lewis, A. H., "The Diary of a New York Policeman," in *McClure's*, XL, 115, 158 (1912-13).
- Lindsey, B. B., "The Beast and the Jungle," in *Everybody's*, XXI, 433, 579, 770 (1909). On political conditions in Denver, Col.
- Lowell, F. C., "The American Boss," in *Atlantic Monthly*, LXXXVI, 289 (1900). Chiefly on Tammany.
- MacVeagh, Wayne, "A Great Victory for Honest Politics," in *No. Am. Rev.*, CLXXXII, 1, (1906). On the Pennsylvania reform movement of 1905.
- Maltbie, M. R., "Municipal Political Parties," in Nat. Mun. League, *Proceedings* (1900), p. 226.
- Marcosson, I. F., "Fall of the House of Quay," in *World's Work*, XI, 7119 (1906).
- Merwin, H. C., "Tammany Hall," in *Atlantic Monthly*, LXXIII, 240 (1898).
- Mitchell, J. I., "Political Bosses," in *No. Am. Rev.*, CXXXV, 363 (1882).
- Munro, W. B., *Government of American Cities* (1912), ch. 7.
- Oliver Grand Jury, *Report on the Causes of Municipal Corruption in San Francisco*. (Pamphlet, January 5, 1910.)
- Ostrogorski, M., *Democracy and the Organization of Political Parties*, II. (See index.)
- *Democracy and the Party System*, ch. 11.
- Outlook, The*, LXXXII, 66 (1906), "The Doom of Political Autocracy."
- XCIV, 54 (1910), "Little Tim Sullivan."
- Pittsburgh Voters' League, *Bulletin*, "Concerning [Corruption in] the Pittsburgh Public School System," February 15, 1911.
- Platt, T. C., "Autobiography of Senator Platt," in *McClure's*, XXXV, 423 (1910). On conditions in New York City.
- Porritt, Edward, "England's Last Royal Political Boss," in *Century Magazine*, LXXVI, 304 (1908).

- Quigg, L. E., "Thomas Platt," in *No. Am. Rev.*, CXCI, 668 (1910).
- Remick, J. W., "Winston Churchill and His Campaign," in *The Outlook*, LXXXIV, 17 (1906). On alliances between corporations and politicians in New Hampshire.
- Review of Reviews*, XXXIII, 227 (1906), "Bossism in English Politics."
- XLI, 387 (1910), "The New York [Boss] System."
- Rhodes, J. F., *History of the United States Since 1850*, VI, 392 ff. On the Tweed Ring.
- Roosevelt, Theodore, "Machine Politics in New York City," in *Century Magazine*, XXXIII, 74 (1886).
- *Essays on Practical Politics* (1888).
- Seaber, Louis, "Philadelphia's Machine in Action," in *The Independent*, LVIII, 584 (1905).
- Sedgwick, A. G., *The Democratic Mistake* (1912).
- Steffens, Lincoln, *The Shame of the Cities* (1904). On machine and boss domination in St. Louis, Minneapolis, Pittsburgh, Philadelphia, and a few other large cities.
- "Enemies of the Republic," in *McClure's*, XXII, 587 (1904). On big business and political corruption in Missouri.
- "New Jersey: A Traitor State," in *McClure's*, XXIV, 649; XXV, 41 (1905). On big business and corruption in New Jersey.
- "Ohio—a Tale of Two Cities," in *McClure's*, XXV, 293 (1905). On corruption in Cincinnati and Cleveland.
- "A Servant of God and the People," in *McClure's*, XXVI, 297 (1906). On Mark Fagan in Jersey City.
- "The Gentleman from Essex," in *McClure's*, XXVI, 421 (1906). On Everett Colby.
- *The Struggle for Self-Government* (1906)
- Suzzalo, H., "The Municipal Situation in San Francisco," in *The Independent*, LXIV, 17 (1908).
- Tilden, S. J., *The New York City Ring: Its Origin, Maturity and Fall* (1873).
- Turner, G. K., "Tammany's Control of New York City by Professional Criminals," in *McClure's*, XXXIII, 117 (1909).
- "The Thing Above the Law," in *McClure's*, XXXVIII, 575 (1912). On the career of George B. Cox, in Cincinnati.

- Vickers, George, *The Fall of Bossism* (1883). On the overthrow of the Philadelphia Gas Ring.
- Wanamaker, John, *Speeches on Quayism and Boss Domination in Pennsylvania* (1898). Extracts are given in Beard's *Readings*.
- Welsh, Herbert, "The Degradation of Pennsylvania Politics," in *The Forum*, XII, 330 (1891-92).
- Weyl, W. E., "The Plutocracy in Politics," ch. 8, in *The New Democracy*.
- Wilcox, D. F., "Party Government in the Cities of New York," in *Pol. Sci. Quar.*, XIV, 681 (1899).
- Williams, Talcott, "Tammany Hall," in Lalor, III, 856.
- Wingate, C. F., "An Episode in Municipal Government," in *No. Am. Rev.*, CXIX, 359; CXX, 119; CXXI, 113; CXXIII, 362 (1874-1876). On the Tweed Ring in New York.
- Wister, Owen, "The Case of the Quaker City," in *The Outlook*, CI, 163 (1912).
- Woodburn, J. A., *Political Parties and Party Problems*, ch. 16.
- Woodruff, C. R., "Philadelphia's Revolution," in *Yale Review*, XV, 8 (1906-07).
- "Philadelphia Puissant," in *International Quarterly*, XII, 350 (1906).
- World's Work*, XI, 7342 (1906), "Industrialized Politics," on B. B. Odell as boss of New York.

## CHAPTER XVII

### THE RESPONSIBILITY OF PUBLIC OFFICERS. THEIR REMOVAL BY IMPEACHMENT AND THE RECALL. THE "RECALL OF JUDICIAL DECISIONS"

**Making  
govern-  
ment offi-  
cials  
really re-  
sponsible  
to the peo-  
ple**

It is an axiom of democratic government that all governmental officials should be responsible to the people. Whether our government is democratic in reality or democratic only in name, whether our legislatures are representative or misrepresentative bodies, depends upon the degree of responsibility which the people can impose upon those whom they have chosen to carry on the work of government, whether that work be legislative, administrative, or judicial. How to enforce the maximum degree of responsibility and thus retain effective control of our legislative, administrative, and judicial officers constitutes one of the most important problems in practical politics at the present time. In cities and States subject to machine rule it has come to pass that legislative and administrative officers and, in some instances, even the judiciary, are frequently compelled to place all their personal and official influence at the disposal of the dominant machine or boss or of some powerful special interest. Increased knowledge of and dissatisfaction with such conditions have recently imparted new interest and intensity to the inquiry as to what means the people

now possess, or what new means may be devised, which will make the officials chosen to carry on the people's government more responsive to the will of the people and less responsive to the will of bosses and special interests.

How, it is being asked over and over, can public officials best be made to realize that they must exercise the power of their respective offices not for the advantage of any special interest or political machine nor for the benefit of a single class in the community, but in the interest of all the people? If a legislative, administrative, or judicial officer proves unfaithful, incompetent, or otherwise unworthy of public confidence, what is the best means of getting rid of him?

In seeking an answer to these questions, the public is seriously considering whether the old and time-honored means of enforcing a proper sense of official responsibility and of removing delinquent officials are adapted to the needs of the present; or whether these means should be abandoned and newer and comparatively untried devices be substituted. Such are the basic considerations underlying most of the present agitation for and against the "recall" of elective officers. In order to understand the origin and bearing of that agitation, it is necessary to review briefly the existing means whereby the people are able to bring about the deposition of public officials before the expiration of the term for which they were chosen. This may now be accomplished in one of six ways:

(1) In the case of appointive officers, the public may hold responsible the elected official who made the appointment, and may bring such pressure to bear

Are the  
old means  
of en-  
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quate for  
present  
needs?



**Ways of  
removing  
officials  
from  
office**

that he will exercise his right of removal and substitute an official likely to prove more satisfactory to the public. Thus the President is held responsible for the character and official acts of the vast army of Federal officers holding by appointment. He enjoys an extensive power of removal subject only to the comparatively few restrictions contained in acts of Congress and the civil service rules. The governors of the several States, however, enjoy only a very limited power of removal. In some States this is limited to the removal of officers whom they themselves have appointed.

**Impeach-  
ment**

(2) Removal by impeachment is authorized by the Federal and State constitutions. The Constitution of the United States provides that "the President, Vice-President, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors."<sup>1</sup> Whether or not senators and representatives are "civil officers" whose removal could be accomplished through the process of impeachment, has never been definitely determined. It has never been invoked against a representative, and only once against a senator,<sup>2</sup> and then the result was indecisive on this point.

State constitutions provide in many instances for the impeachment of any civil officer, while in other States only executive officers are liable to impeachment. The causes justifying impeachment proceedings vary,

<sup>1</sup> Article II, section 4.

<sup>2</sup> William Blount, senator from Tennessee. The case was tried in 1798-99.

but crime, misdemeanor, treason, bribery, drunkenness, malfeasance, gross immorality, extortion, neglect of duty, incompetency, and misconduct are among those most commonly enumerated. South Carolina, however, assigns no cause, but leaves the matter to the legislature. In Oregon "public officers" are not impeachable; but they may be tried for "incompetence, corruption, malfeasance, or delinquency in office," in the same manner as for criminal offences, and, upon conviction, may be removed from office.<sup>1</sup>

(3) In New York and some other States officials may be removed by the governor and Senate.<sup>2</sup>

(4) Judges of State courts in about sixteen States may be removed by a joint resolution of both branches of the legislature.<sup>3</sup>

(5) Prosecuting attorneys, minor judicial officers, and minor county and town officers may, in a few States, be removed by the judges of the higher courts.<sup>4</sup>

(6) A few States have recently adopted the novel process of removal by means of a special election commonly known as the "recall." This method has recently assumed such importance in political discussions as to deserve somewhat detailed consideration.<sup>5</sup>

The recall

The recall made its first appearance in the United States in the municipal charter of Los Angeles, California, in 1903. From there, in one form or another, it has been extended to cover State officers in Oregon,

<sup>1</sup> Beard, 509; G. H. Haynes, in *Pol. Sci. Quar.*, XXVI, 35 (1911).

<sup>2</sup> Beard, 510.

<sup>3</sup> T. J. Walsh, in *Congressional Record*, XLVII, pt. 4, p. 4137 ff.

<sup>4</sup> Beard, 510.

<sup>5</sup> The Socialist platform of 1912 endorsed the "right of recall." See chapter III.

California, Idaho, Nevada, and Arizona. The recall has also been made a prominent feature of the commission form of municipal government in most States where that system is permitted.<sup>1</sup> Elective officers are the ones to whom the recall is usually applied, although it has in some cases been extended to appointive officers.

**Procedure  
under the  
recall**

The procedure necessary to bring about the removal of an undesirable official by means of the recall is substantially as follows: A petition for a new election must be filed with some specified officer. This petition must contain a statement of the charges against the official and a demand for his removal. The petition must be signed by a certain percentage of the voters qualified to vote for the officer whose removal is sought or for his successor, the number of signatures required varying in different States from 15 per cent to 60 per cent. The basis upon which this percentage is computed is the entire vote cast at the last preceding general election for all candidates for the office affected.<sup>2</sup> If the petition is found to be drawn in conformity to the law, a date is set by the proper authority for the removal or "recall" election. This usually occurs thirty or forty days after the filing of the required petition. The recall election is conducted in the same manner as an ordinary election.

The officer whose removal is sought, may avoid recall by resigning within a certain number of days after the filing of the petition, or he may be a candidate to

<sup>1</sup> E. P. Oberholtzer, *The Referendum, Initiative, and Recall in America* (new edition, 1912), 455, 461.

<sup>2</sup> Margaret A. Schaffner, *The Recall*, Wisconsin Legislative Reference Bulletin, No. 12 (1907), pp. 18, 19.

succeed himself; and unless he requests otherwise, his name must be placed upon the ballot without formal nomination. Other candidates are nominated as at an ordinary election. The one receiving the highest number of votes wins. If it be the incumbent, he remains in office; if a rival candidate, the incumbent is removed or "recalled," and his successor serves during the remainder of the term.<sup>1</sup>

There are certain checks connected with the recall which tend to lessen the likelihood of a too frequent resort to it. It is usually provided that no petition for removal may be filed until the official has been in office for a stated period. A second recall election cannot be ordered during the term for which the officer was elected. This restriction is modified in Oregon by permitting a second recall election, but only on condition that the signers of the petition pay into the State treasury the entire expense of the first recall election. The expensiveness of the recall election both to the public and to the candidates is likely to prevent too frequent employment. Still another check is to be found in the liability to prosecution for libel where untrue or defamatory charges have been preferred. When the offence has been a legislative act, the possibility, in some States, of invoking the referendum has diminished the demand for recall elections. Finally, the good sense of the voters can be relied upon to serve as an important check.<sup>2</sup>

Checks  
upon too  
frequent  
use of  
the recall

Some of the more important causes which have produced the recall are the alleged inadequacy of the.

<sup>1</sup> *Ibid.*, 20.

<sup>2</sup> J. D. Barnett, in *Am. Pol. Sci. Rev.*, VI, 41 (1912).

Causes  
which  
led to  
adoption  
of the re-  
call

other methods of removal for dealing with the enactment of pernicious legislation, the giving away of valuable franchises and other forms of political jobbery by city councils and State legislatures, the non-administration and the bad administration of existing laws, and the not infrequent inattention, insolence, and even open defiance of public opinion by elected or appointive officers.<sup>1</sup> The public has lost patience with the slowness and inadequacy of other methods of removal, and in a few States the recall has been adopted as more effective and speedy in operation.

Advantages  
of  
the recall

Among the other *advantages claimed for the recall* the following may be noted. Tenure of office is frankly placed on a political basis, at the mercy of political considerations. This very insecurity of tenure is, in fact, the chief element in the recall. "Public office subject to the recall becomes a public trust in a more practical sense than was true when the holder was able to cut loose from his constituents and go merrily on his way with the comforting thought that he would have to render an account of his stewardship only after the lapse of a specified period."<sup>2</sup>

It is further claimed that the recall makes legislators far more responsive to the wishes of their constituents; that executive officers seek really to enforce the laws; that the people are made to feel that they are responsible for the men they choose to office, and to feel a greater interest in their own government.<sup>3</sup>

The experience of the State of Oregon in the actual

<sup>1</sup> *New Encyclopedia of Social Reform.*

<sup>2</sup> H. S. Gilbertson, in *Annals*, XXXVIII, 833 (1911).

<sup>3</sup> *New Encyclopedia of Social Reform.*

operation of the recall has served to bring to light several serious defects or weaknesses of this method of making elective officers more directly responsible to the people. First, the reasons for the demand for a recall which are stated in the petition do not always disclose all the motives, nor always the chief motive, for the demand. It is possible for the recall to be used merely as an instrument of personal or factional spite. It may be impossible to determine that the recall of an official has been because of grounds asserted in the petition or on other grounds not stated therein.<sup>1</sup>

*Defects  
of the re-  
call as  
seen in  
Oregon*

In the second place, the official whose recall is sought is not given a fair chance before the people. For, in the campaign preceding the recall election, he is required not only to defend his own record as an official, but to overcome the personal popularity of rival candidates with no record to defend. Thus the recall does not present to the voters the clearly defined issue whether the official has faithfully performed the duties of his office, which ought to be the sole issue at such an election. This defect might be remedied either by the separation of the recall election from the election of a successor or by having the successor appointed instead of elected.

While, thirdly, political "sins of commission" have been *prevented*, "sins of omission" have been *caused* by fear of a recall. For example, it is thought that the tax assessors in many instances have failed to enforce the law fully.<sup>2</sup>

Furthermore, it is claimed that the number of signatures to the petition is too low (25 per cent), and

<sup>1</sup> J. D. Barnett, *op. cit.*

<sup>2</sup> *Ibid.*

that the method of securing signatures is unfortunate. The petitions are circulated either by paid circulators or gratuitously by persons sufficiently interested. They are circulated at mass-meetings, at a revival meeting (in one case), on the streets, etc. Forgery of signatures is easy, and has been charged. These defects could easily be remedied either by raising the percentage required or, better, by a requirement that the petition shall be left at some public office for signature. "The only possible excuse for the recall is that it should be spontaneous and that each signer should be sufficiently interested to go to some public office and sign the petition—not wait to have it shoved in his hand with a 'sign here' from a five-cents-a-name getter."<sup>1</sup>

Finally, the application of the recall to short-term officers is regarded by some as an important defect. For it is the short-term official whose acts are most intimately known by the people. His removal may be accomplished by refusal to re-elect at the expiration of his term, without the interference with the performance of his official duties which is inseparable from a recall campaign. The greatest value of the recall appears to lie in its possible application to officers having terms exceeding two years in length.

The recall  
applied to  
the judi-  
ciary

In a few States the recall is applied to judges of the State and local courts. It is this application of the recall to the judiciary that has encountered the strongest opposition, because it is regarded by many as an unwarranted and dangerous attack upon the "independence of the judiciary." We have long been in the

<sup>1</sup> *Ibid.*

habit of regarding the judiciary as quite independent of popular control. This independence is generally regarded not only as in the highest degree desirable, but absolutely essential for the fair and equal administration of justice between man and man, and between the individual and the State. Consequently, any proposal like the recall, which undoubtedly would bring State and local judges<sup>1</sup> into more direct and immediate popular control, has aroused intense opposition, especially on the part of those who look upon the courts as the bulwark of the property interests.

When, however, we come to examine the methods by which the judges are selected in the several States, we find that this judicial independence exists more in theory than in reality. For in thirty-six States the judges are chosen by popular election. In the other States they are appointed either by the governor and Senate or by the legislature. Moreover, the judges of the lower courts in the great majority of States are elected for short terms. Judges of the higher courts hold office for longer periods—usually varying from six to twelve years, although in a few States the terms are even longer. Being elective, therefore, in most States the judges are after all supposedly responsible to, not independent of, the people who have chosen them to perform the judicial work which they have neither the time nor the training to do themselves. The shorter the term of the judge, the greater, obviously, is his lack of independence and the closer his dependence upon the people. In reality the judges are dependent upon those in control of the nomination

Inde-  
pendence  
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than real

<sup>1</sup> It is rarely proposed to extend the recall to Federal judges.



and election machinery. For when we say that in most States the judges are elected, we really mean that generally two persons, one a Democrat and the other a Republican, are selected as candidates by the political bosses or machines, and the people simply choose between them. The result is to give us political judges who are dependent for their renomination and reelection upon the same forces that brought them forward in the first place.<sup>1</sup> The application of the recall to judges is, therefore, not intended to impair their independence, but to substitute for a dependence upon bosses, machines, and corporations a dependence upon the whole people, in whose interest and for whose welfare the judges are supposed to function.

Other  
methods  
of remov-  
ing judges

Where the recall does not exist and the people desire to remove an unworthy judge before the expiration of his term, they are compelled in the majority of States to resort to formal impeachment proceedings before the legislature. In Massachusetts and fifteen other States, however, removal may be brought about by a joint resolution of the two houses of the legislature, while in New York the recommendation of the governor and a two-thirds vote of the Senate are required. All of the foregoing methods of removal, and especially the process of impeachment, have, in the opinion of many people, proved unsatisfactory. Where the legislative body is the instrument by which removal must be accomplished, party considerations are likely to be paramount or to exercise an undue influence in the proceedings. Objection is also made to the slowness and delay incident to impeachment or removal proceed-

<sup>1</sup> *The Outlook*, C, 524 (1912).

ings. Furthermore, evidence sufficient to convince two-thirds of the body may be hard to get, the offence not grave enough to be a crime and yet serious enough to condemn a judge at the bar of intelligent public opinion. As Wendell Phillips said: "A man may be unfit to be a judge long before he is fit for the State prison." In actual practice, therefore, it has been found that "impeachment does not work, that unfair judges stay on the bench in spite of it, and indeed because of the fact that impeachment is the only remedy that can be used against them."

In its concrete application the adoption of the judicial recall means that when a specified number of voters in a community think that a judge of a State or local court has decided a particular case wrongly, or is in the habit of deciding cases wrongly, or goes on the bench in a state of intoxication, or permits a railway or other corporation attorney to finance his campaign; or if a judge becomes a known corruptionist, a political trickster, or dissolute in his habits, or is guilty of other discreditable conduct, then the community may determine at a special election whether he shall remain upon the bench or be removed and some one else chosen in his place.

**Concrete  
applica-  
tion of  
the judi-  
cial recall**

The recall of judges is now permitted by the constitutions of the States of Oregon, Arizona, and California. When the Territory of Arizona applied for admission to the Union (1910) her constitution permitted the recall of all elective officers, including judges. On this account President Taft vetoed the joint resolution which would have permitted her admission as a State. Accordingly, the constitution was so amended as to

**States  
having  
the judi-  
cial recall**

except judges from the application of the recall, and with her constitution in that form Arizona was admitted into the Union. Having been admitted into the Union as a State, the people of Arizona legally could reinsert in their constitution, and in November, 1912, did reinsert, the provision applying the recall to judges.

Argu-  
ments  
favor-  
able to  
the recall  
of judges

Those who favor the judicial recall assert that it is of fundamental importance that the judges enjoy the confidence of the people. If for any reason, justifiable or unjustifiable, the public loses confidence in a judge, his usefulness to do the people's work is sadly impaired, if not ended. The recall, it is claimed, would operate to permit the restoration of public confidence in the courts presided over by the judges against whom it is invoked,<sup>1</sup> because, among other reasons, it would tend to emancipate them from the corrupting control of corporations, political machines, and bosses. On the other hand, those who oppose the judicial recall contend that it would rob, or tend to rob, the judge of his independence, impelling him constantly in his official acts to court the favor of the people by consulting their hopes concerning litigation before him, and conforming his judgments to the desires of the majority. "The character of judges would deteriorate to that of trimmers and time-servers. Self-respecting men would hesitate to accept judicial office with such a sword of Damocles hanging over them, and independent judicial action would become a thing of the past."<sup>2</sup>

<sup>1</sup> T. J. Walsh, *op. cit.*

<sup>2</sup> President Taft's Arizona veto message.

Much of the favor with which the proposed recall of judges has been received is traceable to the widespread feeling that the majority of our judges are out of touch with actual social and economic conditions and with the movement toward a wider democracy. This is most conspicuously revealed in those numerous instances where judges have nullified the will of the people, as embodied in legislation, by declaring unconstitutional, upon the flimsiest technical grounds, legislative acts designed to ameliorate social and economic conditions of large classes in the community. The possibility of a recall, it is claimed, would put an end to this practice, and tend to bring judges more into sympathy with the popular will and progress of ideas among the people.

Nevertheless, it has to be confessed that the recall is a clumsy remedy. The true remedy would seem to be not to unseat an unpopular judge at any time for any act, but either to limit or to take away the power of the judges to declare unconstitutional acts duly passed by the people's legislative agents, or at least to provide an appeal from such decisions. This could be accomplished in different ways.<sup>1</sup>

The judicial recall a crude remedy

(a) The State constitution might be so amended as to deny to the courts of the State the power to declare acts of the legislature unconstitutional.<sup>2</sup>

(b) The State constitution might be so amended as

<sup>1</sup> *The Outlook*, C, 524 (1912). "During the period of seven years from 1902 to 1908, the supreme courts of the several States declared unconstitutional about five hundred statutes." C. A. Beard, in Beard and Shultz, *Documents*, 55.

<sup>2</sup> The changes here described in connection with the State courts could be applied to the Federal courts by a constitutional amendment.

to make the legislature the final judge as to its own powers. If at any time the interpretation placed upon the constitution by one legislature was not satisfactory to the people, they could choose a new legislature at the next election which would reflect their views. Thus the final interpretation of the constitution would be in the hands of the people, where it originated, as in the case of the English Parliament.

(c) The same result might be attained by a constitutional amendment creating special tribunals for the decision of cases involving the constitutionality of legislative acts, the members of this tribunal to be directly responsible to the people. If this tribunal failed to reflect the views of the people, the people would have an opportunity to elect new members who would correctly reflect the popular mind.

Popular  
review or  
"recall" of  
judicial  
decisions

(d) The suggestion which recently has been attracting most attention is the following: In the case of a law which is held by a court to be unconstitutional and therefore void, it is proposed that an appeal be taken to the people, by a process analogous to the referendum, in order that the people may pass upon the question in a special election.

Stated a little more fully, the "recall or review of decisions" means that if the legislature of a State supposedly representing the wishes of the majority of the people of that State enacts, in the exercise of the police power, a statute which is approved by the governor, and the highest court of that State, in passing upon that law in a specific case, declares it to be unconstitutional, and therefore void, the question of its constitutionality shall be submitted to the people at the next

general election, for them to determine whether the law as passed by the legislature and the governor shall stand, or whether the constitution of the State as interpreted by the highest court shall continue to stand and the law thereby to fail.

This novel proposal is based upon the presumption that if the people are wise enough to adopt their own constitutions, in the first place, then they are wise enough to decide, after due deliberation, whether the language of their constitution shall be construed by the courts to permit the passage of the act declared to be unconstitutional; that in case of a clash between their legislative and their judicial servants the people should decide. This is not a recall of the judges who render the decisions; it is an appeal from the judges. Though popularly known as the "recall of decisions," it is more accurately called the popular "review of decisions." So far as the judges themselves are concerned, the process involved finds an analogy in the review, reversal, or affirmation by the Supreme Court of the United States of decisions rendered in the inferior Federal courts: the judges of the inferior courts continue in office, but make their future decisions conform to the decision of the Supreme Court.

Unfortunately for the fair and unprejudiced consideration of this novel proposition, it was advanced in the heat of an unusually exciting pre-convention presidential campaign. It is also unfortunate in its paternity. For, despite his great qualities as a President and as a popular leader, Mr. Roosevelt is undoubtedly regarded by many people as a dangerous radical. Therefore, any proposition emanating from him, re-

ardless of its intrinsic merits, has to run the gauntlet of a strong, and in some cases insuperable, personal prejudice.<sup>1</sup>

Attitude  
of con-  
servatives  
toward  
popular  
review of  
decisions

To say that the proposal to subject certain judicial decisions to popular review has startled the legal profession and the conservative classes is to put the case mildly. Their attitude seems to have been cogently expressed by President Taft when he said: "I have examined this proposed method of reversing judicial decisions on constitutional questions with care. I do not hesitate to say that it lays the axe at the foot of the tree of well-ordered freedom, and subjects the guarantees of life, liberty, and property without remedy to the fitful impulse of a temporary majority of an electorate. . . . Such a proposal as this is utterly without merit or utility, and instead of being progressive is reactionary; instead of being in the interest of all the people and of the stability of popular government is sowing the seeds of confusion and tyranny."<sup>2</sup>

Four  
points to  
be kept in  
mind

The opinion of the average citizen concerning this proposal will probably be determined, consciously or unconsciously, by the extent to which he believes that the people are capable of making a wise use of such a power. Four points should be kept constantly and prominently in mind as an aid to clear thinking and fair judgment:

First, the recall of decisions is not the same as the recall of judges, for judges would continue to hold

<sup>1</sup> For an elaboration and justification of this proposal see Mr. Roosevelt's speech before the Ohio constitutional convention, and in Carnegie Hall, New York City, published in *The Outlook*, C, 390, 618 (1912).

<sup>2</sup> Quoted in *The Outlook*, C, 604\* (1912).

office until the end of their term, regardless of the popular vote on their decision. On the contrary, the recall of decisions is offered as a *substitute* for the recall of judges. Secondly, it is not proposed to apply this recall of decisions to the decisions of the Federal courts, but only to those of the highest State courts. Thirdly, the recall of decisions would not apply to or have any connection with ordinary suits, civil or criminal, as between individuals, or between an individual and the State. It would apply only to a very limited class of cases, namely, those which involve the exercise by the legislature of the police power, that is, "the power of promoting the public welfare by restraining the use of liberty and property." Finally, in the case of a popular recall or review of a decision, the final verdict of the people would not be reached in undue haste. There would necessarily intervene between the decision and the recall election a considerable period of time. Previous to the decision, the matter would be threshed out in the State legislature, before the governor, before the court, and by the court itself in its decision. After this, from four to six months would probably elapse before the necessary petition for the election could be prepared and arrangements completed, which would afford abundant opportunity for a "campaign of education." Accordingly, there would be a period of probably not less than two years in which the people could make up their minds upon the issue thus presented to them.<sup>1</sup>

<sup>1</sup> Theodore Roosevelt, in *The Outlook*, C, 618 (1912). Since this chapter was written, the newspapers have announced the



## QUESTIONS AND TOPICS

1. What method of removing officials is provided by the constitution or laws of your own State? Has it ever been resorted to, and, if so, how often and under what circumstances?
2. The impeachment of Andrew Johnson.
3. The other Federal impeachment cases, including the Archbald case, 1912. (See Roger Foster's *Commentaries on the Constitution*, and general histories.)
4. The actual operation of the recall (a) in California, (b) in Oregon, (c) in Washington. (See Barnett, Oberholtzer.)
5. Is the recall of elective officers consistent with a republican form of government? (See Fink, Gilbertson, and cases there cited.)
6. The recall feature of the Arizona constitution and President Taft's veto message. (See *Congressional Record*.)
7. An analysis of the congressional debate over the recall provision of the Arizona constitution in the first session of the 62d Congress (1911). (See *Congressional Record*.)
8. What are the arguments for and against the recall of judicial decisions as advocated by Mr. Roosevelt.
9. Known instances of improper relations existing between judges of courts and special interests. (See Connolly.)

## BIBLIOGRAPHY

- Ashley, C. D., "The Recall of Judicial Decisions," in *Acad. of Pol. Sci. Proceedings*, III, 48 (1913).
- Barnett, J. D., "The Operation of the Recall in Oregon," in *Am. Pol. Sci. Rev.*, VI, 41 (1912).
- Beard, C. A., and Shultz, B. E. (editors), *Documents on the State-wide Initiative, Referendum, and Recall* (1912).
- *American City Government* (1912), ch. 3. On the recall.
- Bourne, Jonathan, Jr., "Initiative, Referendum and Recall," in *Atlantic Monthly*, CIX, 122 (1912).

passage of a bill by the legislature of Arizona providing for an "advisory recall" of Federal judges and United States senators by a majority vote of the people. Under the terms of the act, an adverse vote would be considered as advice to the Federal Government to impeach and dismiss the judge or senator accused.

- Brown, R. G., "The Judicial Recall—A Fallacy Repugnant to Constitutional Government," in *Annals*, XLIII, 239 (1912).
- Congressional Record*, 1st session, 62d Congress. See index for the debate over the judicial recall in the constitution of Arizona.
- Connolly, C. P., "Big Business and the Bench," in *Everybody's*, XXVI, 147, 291, 459 (1912).
- Cottlett, F. W., "The Working of the Recall in Seattle," in *Annals*, XLIII, 227 (1912).
- Current Literature*, LI, 240 (1911), "The Cry of Judicial Despotism."
- Davis, T. A., "The Recall as a Measure of Control by the People," in National Municipal League *Proceedings* (1906), p. 38.
- Dodd, W. F., "The Growth of Judicial Power," in *Pol. Sci. Quar.*, XXIV, 193 (1909).
- "Social Legislation and the Courts," in *Pol. Sci. Quar.*, XXVIII, 1 (1913).
- Dougherty, J. H., "The Recall of Judges," in *Acad. of Pol. Sci. Proceedings*, III, 99 (1913).
- Fink, A., "Recall of Judges," in *No. Am. Rev.*, CXCIII, 672 (1911).
- Frederick, K. T., "The Significance of the Recall of Judicial Decisions," in *Atlantic Monthly*, CX, 46 (1912).
- Gilbertson, H. S., "Popular Control Under the Recall," in *Annals*, XXXVIII, 833 (1911).
- "The Recall—Its Provisions and Significance," in *Annals*, XLIII, 216 (1912).
- "Conservative Aspects of the Recall," in *National Municipal Review*, I, 204 (1912).
- Hamill, C. H., "Constitutional Chaos," in *The Forum*, XLVIII, 45 (1912). On the recall of judicial decisions.
- Hendrick, B. J., "The Recall in Seattle," in *McClure's*, XXXVII, 647 (1911).
- Lewis, W. D., *Address Before the New York Young Men's Republican Club, March 22, 1912*. A defence of the recall of judicial decisions. See New York and Philadelphia papers, March 23, 1912.
- "A New Method of Constitutional Amendment by Popular Vote," in *Annals*, XLIII, 311 (1912).

- Lewis, W. D., "The Recall of Judicial Decisions," in *Acad. of Pol. Sci. Proceedings*, III, 37 (1913).
- Library of Congress, *Select List of References on Impeachment* (1905).
- Literary Digest*, XLVI, 169 (1913), "Judge Archbald's Conviction."
- Lowrie, S. G., "The Recall," in *Am. Pol. Sci. Rev.*, V, 248 (1911). Brief summary of the recent California law.
- McCoy, B. B., "The Judicial Recall," in *Century Magazine*, LXXXIV, 15 (1912).
- McLaughlin, A. C., *The Courts, the Constitution, and Parties* (1912).
- Mason, E. F., "Learning to Use the Recall," in *Nat. Mun. Rev.*, I, 659 (1912).
- Maxey, Edwin, "The Recall of the Judges," in *The Forum*, XLVIII, 294 (1912).
- Metcalf, J. A., "Dangers that Lurk in the Recall of the Judiciary," in *Annals*, XLIII, 278 (1912).
- Munro, W. B., *The Government of American Cities* (1912), pp. 350-356. On the recall in cities.
- Oberholtzer, E. P., *The Referendum in America*, ch. 18, "The Recall" (new edition, 1912.)
- Outlook*, The, XCVII, 295, 375\* (1911), "The Seattle Recall."
- XCVII, 947, "Mayor Seymour of Tacoma."
- XCVIII, 697 (1911), "The Recall in Texas."
- XCVIII, 852 (1911), "Folly of the Recall."
- XCVIII, 912, "The Statehood Veto," of the joint resolution for the admission of Arizona.
- C, 522 (1912), "The Recall of Judges."
- C, 528 (1912), "Mr. Roosevelt's Columbus Address."
- C, 604\* (1912), "President Taft on the Recall of Judges and Decisions."
- C, 607, "The Recall of Judges." A letter to the editor, signed "Jus."
- CI, 58 (1912), "The Review of Decisions: an Historical Illustration."
- CII, 250 (1912), "The Judges and the Plain People."
- CIII, 145\* (1913), "The Conviction of Judge Archbald."
- Ransom, W. L., *Majority Rule and the Judiciary* (1912).
- Remington, H., "Mr. Roosevelt's Recall of Judicial Decisions," in *Rev. of Rev.*, XLV, 567 (1912).

- Roe, G. E., *Our Judicial Oligarchy* (1912).
- "The Recall of Judges," in *Acad. of Pol. Sci. Proceedings*, III, 93 (1913).
- Roosevelt, Theodore, "Arizona and the Recall of the Judiciary," in *The Outlook*, XCVIII, 378 (1911).
- "A Charter of Democracy," in *The Outlook*, C, 390 (1912). Address to the Ohio constitutional convention, first proposing the recall of judicial decisions.
- "The Right of the People to Rule," in *The Outlook*, C, 618 (1912). New York Carnegie Hall speech defending the recall of decisions.
- "A Short Political Creed," in *The Outlook*, C, 720 (1912).
- "The Judges, the Lawyers, and the People," in *The Outlook*, CI, 1003 (1912).
- Schaffner, Margaret A., *The Recall*, Wisconsin Legislative Reference Bulletin, No. 12 (1907).
- "The Initiative, Referendum, and Recall," in *Am. Pol. Sci. Rev.*, II, 32 (1907).
- Senate Document* No. 876, 2d session, 62d Congress, *Extracts from the Journal of the United States Senate in all Cases of Impeachment, 1798-1904*.
- Stimson, F. J., "Certain Retrogressive Policies of the Progressive Party," in *Am. Pol. Sci. Rev.* supplement, VII, 149 (1913).
- Taft, W. H., *Veto Message*, on the joint resolution for the admission of Arizona, August 15, 1911, in *Congressional Record*, XLVII, pt. 4, p. 3964. Also in Beard and Shultz, *Documents*.
- Taylor, C. F. (editor), *Equity*. A quarterly review devoted to direct primary legislation, preferential voting, the short ballot, the initiative, referendum and recall. (Philadelphia.)
- Walsh, T. J., "Address on the Recall of Judges," printed in *Congressional Record*, XLVII, pt. 4, p. 4137 ff.

## CHAPTER XVIII

PRACTICAL POLITICS IN LEGISLATIVE BODIES.  
CHARACTER AND QUALIFICATIONS OF MEMBERS. THE SPEAKERSHIP AND THE COMMITTEE SYSTEM. SPECIAL AND "RIPPER" LEGISLATION. METHODS OF PROCEDURE

The re-  
straints  
upon a  
party in  
control of  
govern-  
ment

The ultimate aim of a political party is only partially attained when it secures control of the executive or administrative offices. Control of the legislative department is almost equally important. A party which controls the executive branch of the government, and has elected a majority of members in Congress, the State legislature, or municipal councils, is in a position to utilize to the utmost for party purposes the machinery of government. Practically the only checks upon a party in such a position consist of constitutional and statutory restrictions and respect for public opinion. The party may use this power either to enact legislation to defeat or to carry out the popular will. It may enact legislation for the general welfare or it may legislate chiefly for the benefit of special interests. Most legislative bodies enact some legislation of each type. Subject to the limitations named, the party in power is practically unrestrained as to what it may legally do in the way of "practical" politics to strengthen its organization and to perpetuate its hold upon the government and the

suffrages of the people. Of the way in which executive officials use their power for party purposes something has been seen in the chapter on the spoils system.<sup>1</sup> In this chapter we shall review some of the forms which practical politics assume in the legislative sphere as revealed (1) in the character and qualifications of members, (2) in the organization of legislative bodies, (3) in the character of legislation, and (4) in actual legislative procedure.

(1) In recent years the general public has come to entertain a feeling of distrust and even of contempt for legislative bodies, including Congress and municipal councils, but especially State legislatures. The convening of Congress and State legislatures is not hailed with joy, and a universal sigh of relief follows their adjournment. The utterances of the press, the opinions of publicists and scholars, and the sentiment of the street and market-place unite in their denunciation.<sup>2</sup>

**Popular distrust of legislative bodies**

One of the principal causes of this general distrust is to be found in the character and lack of qualifications of the members. It is a well-established fact that the lower house of Congress, and more especially the State legislatures and municipal councils, contain few men of first-rate ability. Even leading politicians seldom trouble themselves to become members of State legislatures or municipal councils, preferring

**Reasons for this distrust**

<sup>1</sup> Chapter XIV.

<sup>2</sup> S. P. Orth, in *Atlantic Monthly*, XCIV, 723 (1904). This popular distrust of legislative bodies is strongly reflected in the limitations placed upon State legislatures and municipal councils in recent State constitutions and city charters. See chapter XX; also Beard and Shultz, *Documents*.

to keep in the background and manipulate the legislators as mere pawns in the game of practical politics. The most inferior legislative bodies are found in those States which have received the greatest influx of immigrants, and in which the large cities have fallen most completely under the control of unscrupulous party managers.<sup>1</sup> Yet even in these States where jobbing and bribery, actual stealing from the State or municipality, and the general prostitution of the legislative power to private interests have been most rampant, the majority of members are not bad men, but are either the victims of their own ignorance and inexperience or are helpless in the presence of an all-powerful political machine. Indeed, "ignorance and stupidity in State legislatures cause more trouble than bad intentions, because they are more common and are the materials on which men of bad intentions play."<sup>2</sup>

Timidity is one striking characteristic of State legislators. Few seem to think of having an opinion of their own. There are times, however, when this lack of independence has produced good results, as, for example, when it has enabled a small minority of zealous and independent reformers, backed by an aroused public opinion, to carry schemes of reform to which the majority would have been indifferent or hostile, if they had dared. But under ordinary circumstances the bosses and special interests are the ones to derive most profit from the timidity, ignorance, and inexperience of legislators. Much of this timidity, it should be said, is due to a conscious lack of experience and expert knowledge of legislative methods and wise

<sup>1</sup> Bryce, I, 546.

<sup>2</sup> *Ibid.*

principles of legislation.<sup>1</sup> The chief function of legislative bodies is of course to make laws. Successfully to perform this function requires expert knowledge, judicious temperament, and great wisdom. None of these qualities are apparent in bulk in any State legislature. The class of men who possess expert knowledge in framing and interpreting laws are the lawyers. While they predominate over other professions in the legislatures, such lawyers as are found there are either young men or men without large practice. An expert greatly needed in law-making, but seldom found in legislative bodies, is the man who is possessed of technical information concerning the conditions that bring forth the law: the mining engineer, the electrician, the ship-master, the sociologist, the men who are most affected by the contemplated laws. Furthermore, the majority of members are without previous legislative experience. It has been estimated that only from one-fourth to one-third of the members of each new State legislature have had experience in legislative work.<sup>2</sup> This ignorance of legislative methods often renders even the best-intentioned and best-principled of legislators easy victims of the wiles of the highly skilled representative of special interests.

For every new member desires to create the impression among his constituents of having accomplished something for their direct benefit. He has certain measures which he wishes to bring forward and get passed. Totally unacquainted with the customs and procedure of the house, unfamiliar with the general nature of legislative life, the inexperienced member is

**Result of  
inexperi-  
ence of  
members**

<sup>1</sup> *Ibid.*, 547.

<sup>2</sup> S. P. Orth, *op. cit.*



at a loss what steps to take and is practically forced to seek assistance somewhere. His fellow-members are equally without experience, for the most part, and are also busily engaged in promoting their own pet measures. His salary is too small to enable him to engage expert advice. Under such conditions, it is no wonder that the highly trained and well-informed representatives of the special interests, called "lobbyists," find it possible to render themselves exceedingly useful, if not indispensable, to inexperienced members. Having accepted their assistance, the member quickly finds himself under obligation to the interests they represent, an obligation which they take advantage of in due time.<sup>1</sup>

Many a timid legislator seriously impairs his usefulness and exposes himself to improper influences because he is willing to sacrifice his own views of the *public* interest on many important matters, or resort to or connive at corruption, in order to "get through" some measure desired by his constituents. Or he may become over-anxious regarding the attitude which he should take on this or that measure because of the possible effect upon his own political fortunes. Such men, and they are far too numerous, can never do good work as long as they are worrying over their own future. The political boss or the representative of special interests is not slow to take advantage of such wavering and vacillation in ways which are more or less reprehensible.

Then, again, there are men in nearly every legislative body who, while good men themselves, are vir-

<sup>1</sup> P. S. Reinsch, *American Legislatures*, 295.

usually "owned" by outside parties, usually politicians in control of a machine in the district from which the member is elected; or else by some wealthy citizen who may not be in politics himself, but who is identified with big business interests seeking special legislative favors and who has paid in whole or in part the campaign expenses of the member. Not unmindful of the favors he has thus received, the member abandons his own convictions under more or less pressure and votes in accordance with the wishes of his "owner."<sup>1</sup>

Some members "owned" by special interests

Another serious weakness in the character of legislators lies in their narrow conception of their functions. "The spirit of localism" completely rules them. A member of Congress, of the State legislature, or of the municipal council rarely feels that he is a member for the country, the State, or the city, chosen by a comparatively small district but bound to think first of the general welfare of the nation, State, or city. He is a member for New York, or for the seventh assembly district, or for the third ward, as the case may be. He feels that his first and main duty is to get the most he can for his constituency by means of appropriations from the Federal, State, or city treasury, or by means of legislation which specially favors his locality. No appeal to the general interest would have weight with him against the interests of that spot. What is more, he is deemed by his colleagues of the same party to be the sole exponent of the wishes of his locality, and solely entitled to handle its affairs. If he approves a bill which affects the place and nothing but the place,

Legislators generally have a narrow conception of their functions

<sup>1</sup> Theodore Roosevelt, in *Century Magazine*, XXIX, 824 (1885).

that is conclusive. Nobody else has any business to interfere. This rule is the more readily accepted because its application all round serves the private interest of every member alike. Members of more enlarged views, who ought to champion the interests of the country or the State or the city, and sound principles of legislation, are rare.<sup>1</sup>

Other defects in the character and qualifications of our legislators might be enumerated, but it is sufficient to have pointed out the most important. On the whole, our legislative bodies are composed of "average men, possessed of human weaknesses, prejudices, and passions. They are elected by party machinery. They are pressed by corporation and party demands. The majority are as honest as they are simple, and as efficient as they are wise."<sup>2</sup> This was written especially of State legislatures, but it applies with almost equal truth to members of Congress and municipal councils.

In the character and qualifications of members of legislative bodies we have only a partial explanation of the present widespread contempt of legislatures. Further explanation is to be found in an examination of their organization, the character and methods of legislation, as well as the factors or influences shaping legislation.

(2) In the organization of a legislature, practical politics often play an important, though not always a conspicuous, part. In the first place, the Federal Constitution and most State constitutions make each house of the legislature the sole judge of the qualifica-

Practical  
politics in  
the or-  
ganiza-  
tion of  
legisla-  
tive bodies

<sup>1</sup> Bryce, I, 549.

<sup>2</sup> S. P. Orth, *op. cit.*, 733.

tions and elections of its members. Where the right of any member to a seat is contested, the case and the evidence are considered by a standing committee of the body concerned, sometimes called the committee on privileges and elections. The majority of this committee usually belong to the party having a majority in the house. When this party has a very small majority the committee often disregards the merits of the case before it and recommends that the contestant belonging to the dominant party be seated. This, of course, tends to strengthen the party in the legislature, at least numerically. More than one such case has occurred in the history of Congress, and doubtless such cases are even more numerous in some of our State legislatures.

**Contested  
election  
cases**

One of the first duties of a legislative body is to choose its presiding officer, if that officer has not been designated by the constitution. The Federal and State constitutions determine that the Vice-President and the lieutenant-governor shall be the presiding officers of the United States Senate and the upper houses of the State legislature, respectively, but there is opportunity for party considerations to appear in connection with the choice of the president pro tempore in each of those bodies. Party lines are also sharply drawn in the election of presiding officers of municipal legislative bodies. In the lower house of Congress and the State legislatures the presiding officer is called the speaker. He wields such an enormous political power that practical politics appear very prominently in his selection and official conduct.

**The  
choice of  
presiding  
officers**

The speaker must be a man whom his party or its

The  
speaker

dominant "organization" can unreservedly trust; one who will not injure the future of the party or "organization" to gain personal popularity or aggrandizement, or even to secure legislation which he individually favors if it runs counter to the plans of the party or "organization." It is expected that he will so exercise his great powers that at the end of his term the party in city, State, or nation will find itself stronger than at the beginning. To be most successful he must be tactful, quick of mind, a man of force and decision, and one who is thoroughly familiar with the rules and precedents of the body over which he presides. In States where the machine and boss dominate politics, the speaker is always a man thoroughly in sympathy with machine ideals and practices, or at least is believed so to be by the leaders when he is selected; and he must expect to listen to and be guided by the wishes of the bosses or leaders of the "organization" on all important legislative matters.

In theory the presiding officers of legislative bodies are chosen by the majority of the members. In actual practice, the selection is made in the caucus of the majority party and ratified by vote in the whole house. In the caucus there may be rival candidates for the office, but the one who can secure a majority becomes the nominee of the party, and all party members are expected to vote for him.

Aside from their respective moderators, the officers of Congress and of State and city legislatures are not important. Nevertheless, the selection of these minor officials is honeycombed with politics, and has sometimes led to queer arrangements, by which one set of

men do the work and divide the salary with another set who have the nominal appointments.<sup>1</sup>

The enormous political power of the congressional and State speaker, alluded to above, arises mainly from three sources: from his power of "recognition," that is, his power to assign the floor to a member and thus enable the member to get a hearing before the house; from his power of "reference," that is, his power to assign bills to the several committees for consideration before they are acted upon by the house; and from his power of "appointment," that is, his power to name the members on the different legislative committees which handle the great mass of bills introduced. Leaving the speaker's power of recognition and reference for later consideration, we may appropriately take up here *the speaker's power of appointment*.

**Sources  
of the  
speaker's  
power**

Every legislative body is divided into a large number of standing or permanent committees and a smaller number of select committees, appointed from time to time for some special purpose, and practically all legislation passes through the hands of these committees.<sup>2</sup> Each committee is supposed to deal exclusively with bills relating to some specific subject or group of closely related subjects. Thus, for example, there are committees on banking, corporations, railroads, ways and means, appropriations, etc. These

**The com-  
mittee  
system**

<sup>1</sup> A. B. Hart; *Actual Government*, 231. See also Philadelphia and Pittsburgh newspapers on conditions disclosed in the Pennsylvania legislature, 1913.

<sup>2</sup> An excellent work on the committee system is L. G. McConachie's *Congressional Committees*; also, ch. 5 in Reinsch's *American Legislatures*.

committees are almost invariably appointed by the speaker or other presiding officer, except in the case of the congressional committees. In the national House of Representatives, before the reforms of 1910-1911, the committees were all appointed by the speaker. They are now formally elected by the House, although in reality the caucus of each party, following the practice of the Senate, makes the different committee assignments for members of the party concerned.<sup>1</sup>

Considerations and influences affecting committee assignments

Some legislative committees are more important than others, and appointments to the more important ones are much desired. The career of a member of Congress or of the State legislature, and, to some extent, of members of municipal councils, depends very largely upon assignment to what are regarded as "good" committees. This is secured through the speaker's favor. Certain prominent leaders in the house who supported the speaker when he was a candidate before the party caucus, must, of course, be rewarded with such choice appointments as the chairmanship of the committee on ways and means or appropriations, etc. But in the distribution of other committee assignments, including the appointment of the chairmen, speakers are practically a law unto themselves, subject, of course, to the approval or advice of those leaders outside the house to whom they may owe allegiance; and thus speakers may promote or prevent a successful legislative career.<sup>2</sup>

<sup>1</sup> In all legislative bodies, the minority party is given at least some recognition on practically all committees.

<sup>2</sup> This will be explained more fully in connection with the influences shaping legislation. An important reform was achieved

Between State and municipal legislative committees and the boss or leaders of the dominant machine there often exists a very intimate relation. The appointment of committees is often delayed for weeks, even months, in order to give the machine an opportunity to test its material before grouping it for actual legislative business. In some States the power of the machine to assign members to the different committees, exercised through a subservient speaker, gives it abundant means of enticement, and many men mortgage their legislative independence at the very beginning of the session for the empty honor of being placed on a prominent committee. Sometimes large committees are favored because they are unwieldy and can be controlled by a select ring through the use of sub-committees. In such cases the majority of the members are kept in the dark respecting important legislation, and the formal meetings simply give opportunity to the chairman to get a vote on the measures desired by the inner ring. Where such conditions prevail, "snap" committee meetings are frequently called—that is, meetings without sufficient notice.<sup>1</sup>

**Relations  
between  
the com-  
mittees  
and the  
boss or  
leaders**

in Congress in 1911 when the House took away from the speaker the power to appoint the committees of that body and made them all elective. It may well be doubted whether the speaker in Congress will for some time to come exercise the immense influence which speakers enjoyed before the reforms of 1910-11. See the Democratic platform of 1908 on the power of the speaker; also *House Manual*, 1st session, 62d Congress. A similar change was made by the Pennsylvania House of Representatives in 1913; see *Legislative Journal*.

<sup>1</sup> To remedy this evil, Massachusetts has passed a law requiring sufficient notice to be given of all committee meetings. P. S. Reinsch, *op. cit.*, 247, 257.



**Advantages of the committee system**

This committee system, as the practice of having bills first considered by committees is called, has very obvious *advantages*, and it is difficult to see how any better system can be devised for handling the enormous number of bills which are introduced into every session of practically every legislative body. It is a convenient means of killing off worthless bills; it enables the legislature to deal with more bills than would otherwise be possible; it promotes specialization in legislative work; it affords a plan by which Congress and other bodies can scrutinize the conduct of the executive departments of government; and it affords a means of co-operation between the executive and legislative departments.<sup>1</sup>

**Disadvantages and defects of the committee system**

On the other hand, the committee system has very serious *disadvantages and defects*. From the standpoint of practical politics, the most serious disadvantages arise from the following circumstances: The deliberations of committees are usually secret. Public hearings are frequently granted on the more important bills, at which evidence is taken and arguments are presented for and against the measure under consideration. But ordinarily no record is kept of committee sessions, and of how each member votes. Consequently it is difficult, if not impossible, to fix responsibility for what takes place in the committee room.<sup>2</sup>

<sup>1</sup> J. A. Woodburn, *The American Republic*, 284; Bryce, I, 162 ff.

<sup>2</sup> This difficulty is enhanced by the large number of standing committees to be found in Congress and other legislative bodies. In the sixty-second Congress there were 56 standing committees in the House and 71 in the Senate; *Congressional Directory*, 62d Congress (1911). In the Pennsylvania legislature in 1911 there were 32 standing committees in the Senate and 42 in the House;

The public ordinarily knows little or nothing of committee deliberations. In strict parliamentary practice, no member is permitted to allude in the house to anything which has taken place in committee. It is largely owing to this secrecy that the legislative committees are subjected at times to tremendous pressure of private interests, so that the bills which they finally report to the House are often little more than the combined concessions to eager advocates who make their direct personal appeals to the committee concerned.<sup>1</sup> Abundant opportunity is offered for underhand and corrupt influences to be brought to bear upon committeemen. "In the small committee, the voice of each member is well worth securing, and may be secured with little danger of public scandal. . . . Round the committees buzz that swarm of professional agents called the 'lobby,' soliciting the members, threatening them with trouble in their constituencies, plying them with all sorts of inducements, treating them to dinners, drinks, and cigars."<sup>2</sup>

The committee chairmen possess extraordinary power, which may be, and often is, used as well for evil as for good. The chairman alone can call a meeting of the committee, and if "practical" politics seem to require that the committee be prevented from meeting to consider a given measure, he may refuse to call it together; or he may fix some inconvenient time when

**Influence  
and tac-  
tics of  
commit-  
tee chair-  
men**

*Smull's Legislative Handbook*, 1911. In Philadelphia the common and select councils each had 27 standing committees in 1911.

<sup>1</sup> M. P. Follett, *The Speaker of the House of Representatives*, 244. No better example of such influence is to be found than in connection with tariff bills before Congress.

<sup>2</sup> Bryce, I, 162; II, 160.

no quorum can be secured. If he is backed by the dominant "organization," there is practically no check whatever upon his action. He may declare measures passed by the committee and report them back to the House, although they have actually never received consideration or been approved by the committee. This is done when the chairman has reason to believe that a majority of the committee are opposed to the measure which he or the bosses favor. On the other hand, an unwelcome measure may be passed by a majority in the committee and yet be carried about indefinitely by the chairman and possibly not reported at all to the House.<sup>1</sup>

**Practical politics affect the character of legislation.**

**Special legislation**

(3) Practical politics, reflected in the *character of legislation*, are found frequently in connection with the enactment of what is called private or *special legislation*, as distinguished from general legislation. General laws are those which apply to all persons or certain classes of persons throughout the State or country. For example, laws regulating interstate commerce, providing for the administration of justice by the courts, regulating banking and the currency, regulating the conduct of primaries and elections throughout the State, laws compelling all manufacturers to maintain certain sanitary standards in their shops, are all classed as general or public laws. A special or local law, on the other hand, is "one applying to some

<sup>1</sup> Some legislative bodies, owing to sad experiences with the methods described above, now have rules which enable a determined majority in the house to prevent a hostile committee or its chairman from thus smothering legislation desired by a majority. A rule of this kind was recently adopted by the House of Representatives in Washington.

particular person, or corporation or locality, township, county or city.”<sup>1</sup> Corporations, notably public service corporations, often desire the enactment of special laws exempting them from the payment of certain taxes; railways seek legislation exempting them from the requirement of equipping their trains with safety appliances, and for freedom to control their schedule of rates. Perpetual or long-term franchises for trolley, gas, or water companies constitute still another important species of special legislation.

The evil of special legislation is most rife in State legislatures, although private or special bills constitute by far the larger number of bills introduced into Congress. In all State legislatures bills that are merely local or special greatly outnumber the general bills. The excessive amount of special and local legislation has been one of the chief strongholds of legislative corruption. It is one of the principal means by which the political boss and his machine make their power felt in dealing out or withholding special privileges or advantages. Besides confusing the general law, it furnishes almost unlimited opportunities for perpetrating jobs and for inflicting injustice on individuals or localities, in the interest of some group of speculators or politicians. The vast amount of special legislation is one of the scandals of the country and “a perennial fountain of corruption.” Hence many State constitutions contain provisions designed to check this kind of legislation. In spite of such constitutional prohibitions, the amount of special legislation everywhere enacted is amazing.<sup>2</sup>

**Special  
legislation  
rife both  
in the  
States and  
in Con-  
gress**

<sup>1</sup> Beard, 530.    <sup>2</sup> Bryce, I, 542; P. S. Reinsch, *op. cit.*, 147 ff.

**"Ripper"  
legisla-  
tion and  
its differ-  
ent forms**

One kind of special legislation which is peculiarly attractive to the practical politician and especially pernicious in its effects is commonly called "ripper" legislation. This assumes a number of different forms. We have laws which modify municipal charters in such a way as materially to strengthen the power of the party which controls the State legislature. For example, if a reform mayor has been chosen in a municipal election, the legislature may pass laws which strip him of his most important powers and vest those powers in old or newly created boards which the machine feels that it can control. In fact, municipal government is the favorite field for "ripper" legislation. By shifting administrative functions from State boards to municipal bodies, and *vice versa*, the loss of power by the organization in any locality can be neutralized and periods of strong local opposition successfully tided over.<sup>1</sup> This shifting of power is also useful to the practical politician in connection with the granting of franchises or other legislation desired by trolley and other public service corporations. In some States municipal ripper legislation has gone so far as to deprive large cities of "home rule" by legislating out of office the rightfully elected officials who are hostile to the machine, and substituting for them officials appointed by a subservient governor.<sup>2</sup>

But ripper legislation is by no means confined to municipalities. In the State governments the dominant machine has not infrequently transferred the

<sup>1</sup> P. S. Reinsch, *op. cit.*, 268.

<sup>2</sup> For example, the Pennsylvania act of 1901, affecting Pittsburgh, Allegheny, and Scranton. See Reinsch, *op. cit.*, 268-269.

appointive power from the executive to the legislature when it has feared the election of a hostile governor. At other times ripper legislation takes the form of laws depriving district attorneys of the right to challenge jurors in certain cases, in order to influence the selection of juries in political trials; laws taking the power to grant liquor licenses from the judiciary and giving it to a State excise board; and acts granting to private corporations in perpetuity extensive water-power rights belonging to the State: these are all illustrations of ripper legislation.

(4) In the *actual procedure of legislative bodies* practical politics operate conspicuously. State constitutions and municipal charters contain more or less numerous restrictions upon legislative procedure, and even the Federal Constitution contains a few clauses relating to congressional procedure. Such provisions are designed to secure regularity, publicity, and due deliberation in the discussion and enactment of measures. For example, it is often provided that laws must always be passed in the form of bills; and that each bill must cover only one subject clearly expressed in the title, in order to prevent the coupling of many vicious bills with a good one or to prevent the insertion of totally distinct matters; that former statutes may be amended only in such a way as to make clear the exact change that has been made in the law; that there must be three different readings of every measure passed; that no bills shall be introduced after the expiration of a certain part of the session, so as to prevent rushing through pernicious measures during the closing hours of the session.<sup>1</sup>

**Practical  
politics in  
legislative  
pro-  
cedure**

**Constitu-  
tional pro-  
visions  
regulating  
procedure**

<sup>1</sup> Beard, 536.

Rules  
continu-  
ally disre-  
garded or  
evaded  
"Gavel  
rule"

Every legislative body has a more or less elaborate body of printed rules which are supposed to govern all its proceedings. In practice, however, the rules of Congress and, even more frequently and glaringly, the rules of State legislatures are modified by the exigencies of party and machine politics to an extent that is surprising to the uninitiated. Even constitutional requirements are often treated with scant respect by State legislatures, so that at times parliamentary proceedings are turned into a mere formality if not a travesty on regular and orderly procedure. In actual practice all rules are modified to accord with the peculiar methods and needs of the controlling organization. An artificial "common consent" is created by which all constitutional and legal safeguards against hasty or special legislation are evaded and become almost futile so long as the machine has power to command action.<sup>1</sup> For example, the reading of the journal is quite often dispensed with, and this document which authoritatively records the action of the legislative body is usually not printed till several days have elapsed. The calendar, which ought to be a safe guide to members, is made up arbitrarily and disregarded in practice. Measures are placed upon it, or taken off, or advanced over others at will by "general consent."<sup>2</sup> The time limit for the introduction of new bills is frequently evaded by offering substitutes in the form of amendments to bills introduced before the limitation expired, striking out all after the enacting clause. Members are found introducing sham bills in due season which they can use as stocks upon which to graft any bill they may desire after the time

<sup>1</sup> Reinsch, ch. 8.

<sup>2</sup> *Ibid.*, 259.

limit has expired.<sup>1</sup> A large amount of time is wasted by nearly every legislative body in the early part of the session. As a result there is very frequently an unseemly crowding of measures in the last few days. Confusion at times reigns supreme,<sup>2</sup> and the ordinary member finds it impossible to follow the course of business. Here is an opportunity for a capable and unscrupulous speaker to rule the assembly with a high hand, declare motions or bills carried or lost, in accordance with the interests of the clique or machine to which he may belong, and often in utter disregard of the actual facts, of parliamentary practice, of the rules of the house, and of constitutional restrictions. Many a bad measure and crudely drawn good measure is thus declared passed or "gavelled through," as it is called, in the last crowded days of a session.<sup>3</sup>

*The process of amendment*, as suggested above, is frequently employed by the "organization" to defeat or to emasculate legislation backed by independent or reform elements in the legislature. For example, apparently innocent amendments will be added which, as the better-informed members are aware, will seriously impair the constitutionality of the measure when tested before the courts. Again, "good" laws, or laws designed to suppress crime and protect vice, may be loaded down with provisions too stringent to be capable of strict enforcement. Thus, while apparently supporting a "reform" measure, the corrupt pol-

**Perni-  
cious  
amend-  
ments**

<sup>1</sup> See Bryce, I, ch. 40.

<sup>2</sup> For a description of the disorderly proceedings connected with the closing sessions of the Pennsylvania legislature in 1911, see *The World's Work*, XXII, 14789 (1911).

<sup>3</sup> Reinsch, 259.



iticians gain another pretext for levying additional tribute upon the vicious and criminal classes in return for immunity from prosecution. "When, therefore, the cry of 'good government' is raised by politicians of this class, the real friends of decency do well to be on their guard, for in most cases what the bosses desire will be the creation of what has been called an 'administrative lie,' that is, the placing on the statute books of stringent laws against liquor and vice the very strictness of which is, however, made the means of extortion by the local political managers. It frequently happens that the influences representing lax morality gain important privileges from the legislature through acts the full bearing of which is not realized by the members in general."<sup>1</sup>

#### QUESTIONS AND TOPICS

1. Are the members of Congress and other legislative bodies chosen by the people to think for them, or merely to give legislative expression to the popular thought and will? (See M. K. Hart.)
2. How are contested election cases disposed of in the different State legislatures? (See Reinsch.)
3. Summarize the history of contested election cases before the House of Representatives in Congress. (See Rammekamp.)
4. What are the duties and powers of the presiding officers in municipal councils?
5. A brief historical sketch of the most famous contests in Congress over the election of a speaker. (See Follett, and the general histories.)

<sup>1</sup> Reinsch, 273. For a good description of the way in which the committee system and legislative rules can be made to serve the interests of a political machine, and to defeat measures supported by members outside of the "organization," see Reinsch, 266 ff., Beard, 538, and M. C. Kelley's *Machine Made Legislation in Pennsylvania*.

6. Enlarge upon the advantages and disadvantages of the "committee system" in Congress and State legislatures, and explain the remedies proposed for the evils of the system. (See McConachie, Wilson, Bryce.)

7. Make a list of the committees in both houses of Congress and of your own State legislature and city government. Do any special business or political interests appear to be in control of the most important of these committees?

8. The English party "whip" and his functions. Is there any similar institution in Congress? (See Bryce, Lowell.)

9. What effect is the popular distrust of legislative bodies having upon the influence and powers of the governor and mayor in different States and cities? (See Beard.)

10. Compile all the available data showing the number and character of bills ordinarily introduced into and enacted by State legislatures.

11. Tabulate and summarize the State constitutional limitations upon legislatures designed to prevent special or local legislation.

12. The discussions in the Pennsylvania constitutional convention of 1873 over limitations upon the power of the legislature.

13. The discussions in the New York constitutional convention of 1894 over limitations upon the power of the legislature.

14. What important "ripper" legislation has been enacted or attempted in your own State? What were the interests behind it?

## BIBLIOGRAPHY

- Beard, C. A., *American Government and Politics and Readings*, chs. 14, 25.
- Bliss, W. D. P. (editor), *New Encyclopedia of Social Reform*, article, "Corruption."
- Bryce, James, "The American Commonwealth," I, chs. 13-15, 44-46 (4th edition).
- Croly, Herbert, *The Promise of American Life*. (See index, "Legislative Organization.")
- Follett, Mary P., *The Speaker of the House of Representatives* (1896).

Godkin, E. L., "The Decline of Legislatures," in *Unforeseen Tendencies in Democracy*.

Haines, Lynn, *The Minnesota Legislature of 1911* (1912).

Hart, A. B., *Actual Government*, chs. 7, 14.

Hart, M. K., "People versus the Representative," in *The Outlook*, LXXXVII, 730 (1907).

Haynes, G. H., "Representation in State Legislatures," in *Annals*, XV, 204, 405, and XVI, 93, 243 (1900).

Hichborn, F., *Story of the California Legislature of 1909*.

— *Story of the California Legislature of 1911*.

Kelley, M. C., *Machine Made Legislation in Pennsylvania*.  
By a member of the Legislature of 1911.

Lapp, J. A., "Actual State Legislation," in *Annals*, XLIII, 49 (1912).

McCall, S. W., *The Business of Congress* (1911).

McConachie, L. G., *Congressional Committees* (1898).

Munro, W. B., *The Government of American Cities* (1912),  
ch. 8. On city councils.

Orth, S. P., "Our State Legislators," in *Atlantic Monthly*,  
XCIV, 728 (1904).

Ostrogorski, M., *Democracy and the Organization of Political Parties*, II. (See index.)

— *Democracy and the Party System*, ch. 13.

Rammelkamp, C. H., "Contested Congressional Election Cases in the United States," in *Pol. Sci. Quar.*, XX, 421 (1905).

Reinsch, P. S., *American Legislatures and Legislative Methods* (1907).

— *Readings in American State Government* (1911).

Roosevelt, Theodore, "Phases of State Legislation," in *Century Magazine*, XXIX, 820 (1885).

Wilson, Woodrow, *Congressional Government* (1885).

Woodburn, J. A., *The American Republic*, chs. 4-5.

*World's Work, The*, XXII, 14789 (1911), "Is this Representative Government?" Description of the disorder attending the closing sessions of the Pennsylvania legislature in 1911.

## CHAPTER XIX

PRACTICAL POLITICS IN LEGISLATIVE BODIES  
(CONCLUDED). FACTORS INFLUENCING  
LEGISLATION. THE SPEAKER. EXECUTIVE  
INFLUENCE. PARTISAN CONSIDERATIONS.  
GERRYMANDERS. LOBBYING. LOG-ROLLING  
AND BRIBERY

Among the *influences or factors shaping or determining legislation*, other than those incidentally mentioned in the preceding chapter, (1) the speaker occupies a position of the first importance.

**Forces  
influencing legis-  
lative ac-  
tion**

Every bill introduced into a legislative body is at once referred by the speaker to some committee. Ordinarily no bill can be acted upon by the House until it has been reported back by the committee to which it has been referred. Therefore, through his power of appointment and reference, the speaker may determine in advance the fate of bills anticipated and of bills unexpected. For example, if the speaker or those whom he represents are opposed to a reduction in the tariff, to a change in the currency or banking laws, to a State tax on incomes or on corporations, to increased appropriations for highways or educational institutions, etc., the committees which deal with these matters may be "packed" with men who are known to the leaders, at least, to be willing to use their position to defeat such measures in one way or

**The  
speaker's  
power of  
appoint-  
ment and  
reference**

another. On the other hand, the committees may be so constituted as to insure the success of measures favored by a speaker personally or by his political friends.

The  
speaker's  
power of  
recogni-  
tion

Through his power of "recognition," the speaker of the House of Representatives in Congress virtually controls the order of business, and decides what bills shall be considered by that body. The power of "recognition" means the power to assign the floor to this, that, or the other member.<sup>1</sup> The speaker may recognize whomsoever he pleases. Again and again, when a member rises to obtain recognition, the speaker has asked, "For what purpose?" and then has decided whether the member is "recognized." This decision depends upon whether the member rises for a purpose which has the speaker's approval. When an important bill is before the House for consideration, the speaker usually has before him a list of men desiring to speak. So many members struggle for the floor that previous arrangement has been found to be necessary.<sup>2</sup> Any member, therefore, who wishes to call up a measure in the House, must, as a matter of practice, visit the speaker in advance and secure his approval. In giving his consent the speaker is not unmindful of the service he has secured or may secure from the man soliciting his favor.<sup>3</sup>

By this power of recognition speakers have been able to prevent the consideration of motions to which they personally, or the clique to which they belong,

<sup>1</sup> See M. P. Follett's *The Speaker of the House of Representatives*, ch. 9.

<sup>2</sup> M. P. Follett, *op. cit.*, 251.

<sup>3</sup> Beard, 282.

were opposed.<sup>1</sup> Where party lines are sharply drawn upon important subjects of legislation, the minority party is absolutely helpless to avail itself even of the rules, unless it can first get the recognition of the speaker. The arbitrary exercise of the power of recognition is by no means confined to the speakers of Congress. In the State legislatures, especially in States where the party organization or machine is highly developed, the speaker exercises the power of recognition in practically the same arbitrary manner to promote or defeat legislation.

The speaker's power to influence legislation in Congress through the right of recognition was enormously reinforced prior to March, 1910, by the fact that he was the chairman of the committee on rules, the four other members of which were appointed by himself, and were therefore his creatures. This small committee in recent years had come to exercise almost absolute control over all important legislation, almost literally determining what might and what might not be considered by the House, and limiting the time of debate as well as the number and form of amendments. Similar committees on rules are found in the State legislatures, exercising powers which differ in degree, but not in kind, from those enjoyed by the congressional committee. By March, 1910, however, the tyranny of this committee on rules had become intolerable, and after a dramatic session the House voted to remove the speaker from that committee, and to have the

The committee on rules

<sup>1</sup>For examples of this occurring under Speakers Blaine, Carlisle, Reed, and Cannon, see M. P. Follett, *op. cit.*, and the list of references at the end of this chapter.

committee henceforth enlarged to ten, so as to be more truly representative of the wishes of the majority; and, finally, to have the members of the committee in future chosen, not by the speaker, but by the whole House.<sup>1</sup>

**Forceful  
and popular  
execu-  
tives**

Among other influences or factors shaping or determining legislation, we must consider (2) the increasing influence in recent years of executive officers, the President of the United States, the governors of the States, and the mayors of our largest cities. This executive influence upon legislation may be exercised in a number of different ways.

It has more and more become the practice for executives to frame bills respecting important subjects of legislation which embody their own personal views and to have these bills introduced into the legislative body. The attention and consideration which such bills receive depend partly upon the party divisions in the legislature, and partly upon the extent of the popular support back of these executive recommendations.

**Execu-  
tive mes-  
sages**

The President is required by the Constitution to give Congress information from time to time upon the state of the Union. This information takes the form of the President's message, "the most widely read public document in the United States." In his messages, the President often indicates very clearly along just what lines specific legislation is needed, and sometimes an entire message is given up to an explanation of some specific bill recommended by the President

<sup>1</sup> In practice this means that the choice is determined in the caucus of each party in the House, subsequently ratified in a session of the whole House.

together with arguments in its favor. The governors of the different States and the mayors of cities enjoy the same privilege of urging legislation upon the attention of State legislatures and municipal councils. Not infrequently executive messages, although addressed to the legislature, are in reality intended as appeals to the general public for support of certain bills to which the legislature is hostile or indifferent.

It is not uncommon for Presidents, governors, and mayors to secure legislation from a reluctant legislature by withholding or threatening to withhold patronage from members who refuse to recede from their opposition to the measures favored by the executive. Not infrequently the executive control of patronage has been used to force the enactment of legislation demanded by an aroused public sentiment, but which ran counter to the wishes of some powerful special interest or political machine to which the members of the legislature were inclined to be subservient.<sup>1</sup>

The right to veto legislation is enjoyed by the President and the governors of all but two of the States (North Carolina and Rhode Island), and also by most mayors of cities. This power is often a means of preventing pernicious legislation from taking effect. In a number of States, the governor and mayors have the right to veto specific items in appropriation bills. This is a power by means of which a strong executive may prevent waste and extravagance; on the other hand, it may be used to build up a personal following and thus to advance the political fortunes of the execu-

The veto  
power

<sup>1</sup> See comment on this practice in chapter XIV on the spoils system.



tive. With this end in view, appropriations which are to be expended in the districts of politicians who do not enjoy the governor's favor may be greatly reduced or entirely eliminated, while extravagant sums appropriated for districts in which the governor desires to strengthen himself politically may be permitted to stand.

The veto of specific appropriations would curb congressional extravagance

This power to veto specific items in congressional appropriation bills is not exercised by the President. He either vetoes or accepts in its entirety the bill as it passes Congress. Much extravagance and waste might be prevented if the contrary practice prevailed, for advantage is frequently taken of this practice to incorporate in bills appropriating money for the support of the government or of necessary public works and improvements certain other items appropriating money for unworthy enterprises. The President is thus forced either to veto the entire bill and thus deprive the government of necessary funds or else to approve the unworthy items along with the worthy. Perhaps the most notorious instances of the kind are the annual river and harbor appropriation bill, the bills appropriating money for the erection of public or Federal buildings, such as post-offices, and for the establishment and maintenance of military posts and navy yards. Reckless and extravagant appropriations for these and even more unworthy objects have resulted from the desire of practical politicians in both houses of Congress to have as much as possible of the government's money spent in their own districts as a means of increasing their political influence at home. Millions of dollars are thus wasted every year by

Congress until the practice has come to be a national scandal, and the appropriation bills mentioned above have received the opprobrious epithet of the "national pork barrel." It is a matter of profound regret that the President does not enjoy the right to veto specific items in appropriation bills, although it is conceivable that the power might at times be improperly used.

In still another way, members of Congress take advantage of this phase of the veto power. Amendments called "riders" embodying legislation disapproved by the President are sometimes attached to appropriation bills. The President is then forced either to accept this obnoxious amendment or to veto the entire bill. The practice of attaching "riders" is somewhat discredited and is usually tried only as a last resource. It obtains to some extent in State legislatures and municipal councils.

Through their power of calling special sessions of Congress or of the State legislature, Presidents and governors may exercise no small influence upon legislation. Special sessions are sometimes resorted to not merely for the purpose of meeting some emergency which has arisen, but also for the purpose of forcing upon the reluctant attention of the legislature subjects of legislation in which the executive is especially interested. Where, as in some States, the legislature can consider in special session only subjects which are specifically named in the summons issued by the governor, the power of calling special sessions may be made a powerful lever for good in the hands of a strong executive backed by a powerful public sentiment.

Power to  
call "special  
sessions"

Con-  
sidera-  
tions of  
party ex-  
pediency  
or ad-  
vantage

(3) *Considerations based upon party expediency* or party advantage are often potent factors in the shaping and enactment of legislation. Some measures in Congress are spoken of as "party" measures, and are passed or defeated by a "strictly party" vote. Of the total number of bills voted upon by Congress, however, "party measures" form but a small proportion. The amount of party voting in Congress varies from one Congress to another and even from one session to another, and does not follow any fixed law of evolution. The proportion of party votes in Congress is distinctly less than in the English Parliament.<sup>1</sup>

Strictly  
"party  
meas-  
ures"  
compar-  
atively in-  
frequent

In the State legislatures, party lines are even less tightly drawn upon subjects of general legislation. Our political parties are essentially national parties, and they divide mainly upon national issues. It is, therefore, difficult for them to take sides upon questions of State legislation without drawing lines that cut and cross the regular party lines and offend a certain number of adherents. Members of most State legislatures are elected on party lines that have comparatively little connection with the actual legislative questions which they are called upon to decide.<sup>2</sup> When the legislature is being organized, its offices distributed, and the United States senators elected, party activity is indeed very animated. On such questions as the re-districting of the electorate, or the creation of new local units of government, party discipline is usually kept up, but questions of general legislation are rarely made a matter of party difference. The fre-

<sup>1</sup> A. L. Lowell, in *Am. Hist. Assn. Report*, I, 319 (1901).

<sup>2</sup> *Ibid.*, 347.

quency of unanimous votes is surprising. It is not unusual for more than one-half of the votes in the session to be unanimous.<sup>1</sup>

Considerations of party expediency frequently appear in the enactment of State legislation of a distinctly and offensively partisan character. Such legislation is designed and defended as a means of perpetuating the party's control of the State and local governments and of strengthening it numerically in Congress. Certain kinds of "ripper" legislation, such as laws providing for the removal of political opponents, laws providing long terms of office for partisan favorites, laws amending municipal charters one way for political friends and another way for political opponents, without regard to decency, consistency, or right: these are all instances of odious partisan influence in legislation.

Odious  
partisan  
legislation

Unfair election laws afford another illustration of partisan legislation of the baser sort. In a few States such legislation has gone to great lengths. Some years ago the party in control of the Kentucky legislature created an election system which centralized and vested in the governor, or in officials selected by him, the appointment of all local election officials throughout the State, regardless of the democratic principle of home rule; and authorized the legislature itself to canvass the election returns and to reject, virtually at its discretion, the votes of any county in the State, and to declare elected whichever candidate it pleased. Furthermore, the courts were deprived of jurisdiction to review the proceedings of the legislature for the pur-

<sup>1</sup> Reinsch, 276-277.

pose of correcting errors or to regulate its action in accordance with well-established legal principles.<sup>1</sup>

Gerry-  
manders

Perhaps the worst species of legislation dictated solely by partisan considerations is to be found in laws which create unequal and unfair districts from which representatives in Congress and members of the State legislature are to be chosen. Legal obstacles to such legislation are to be found in those Federal and State statutes and provisions of State constitutions which provide that districts shall be composed of contiguous territory and that they shall contain as nearly as practicable an equal number of inhabitants. Nevertheless these legal requirements are either evaded or clearly violated by practically every legislative act outlining congressional or legislative districts. Where representation in a legislative body is based upon districts, it is obvious that an advantage will accrue to the party which has a majority in as many districts as possible. Exact equality in outlining districts is impracticable. It is impossible to expect the party controlling the legislature to give the advantage of the inequality to the opposite party. Instead, the dominant party takes advantage of this inevitable inequality to strengthen itself. Consequently we find States divided in such a way that the dominant party shall have a small, but ordinarily safe, majority in as many districts as possible, while the strength of the opposing party will be concentrated in as few districts as possible where its majorities will be overwhelming. Such unequal districting of a State for partisan purposes is called a "gerrymander."

<sup>1</sup> D. B. Hill, in *No. Am. Rev.*, CLXX, 367 (1900).

A gerrymander of congressional districts is most likely to occur soon after the publication of the results of the decennial census, especially if this shows the necessity for any change in a State's congressional representation. A gerrymander of State legislative districts may occur more frequently. It occurs most frequently in States where parties are evenly divided and where legislatures alternate frequently in their political complexion. In such States, it has come to be taken for granted that the party victorious in the election of the members of the State legislature will gerrymander the State in its own favor.<sup>1</sup>

As a result of gerrymanders, the maps of congressional and legislative districts in some States present very striking irregularities in boundaries and in the shape of different districts. For example, we have the famous "shoe-string" district in Mississippi, five hundred miles long by forty broad; another district, in Pennsylvania, resembling a dumb-bell; the famous "saddle-bags" district (the 23d) in Illinois; and the "belt-line" district (the 11th) also in Illinois, running around Cook County.<sup>2</sup>

Results of  
gerry-  
manders

As another result of a gerrymander, it has sometimes happened that a representative in Congress,

<sup>1</sup> J. R. Commons, *Proportional Representation*, 59. In the State and congressional campaign of 1910, the chairman of the New York State Republican committee sent out a circular letter containing the following warning: "The election is unusually important. . . . The election of the Democratic ticket will enable the Democrats to re-district the congressional districts so that for the next ten years, twenty-five congressional districts will probably be Democratic, instead of twelve as at present. . . ." Quoted in *The Outlook*, XCVII, 192 (1911).

<sup>2</sup> Reinsch, 202; Bryce, I, 124 n.

after having served several terms and acquired familiarity with the rules, and attained national prominence, has found his home district so reconstructed as to give the opposite party a majority, resulting in his retirement from Congress at the next election. Mr. McKinley, later President, was thus legislated out of office, and other instances might be cited.<sup>1</sup>

Perhaps the worst result of a gerrymander is that it virtually disfranchises many voters by placing them in districts in which their party, under all ordinary circumstances, is always in a minority, thus virtually preventing their representation in either legislature or Congress.

Creation  
of super-  
fluous  
offices and  
officials

Another species of legislation dictated mainly by partisan considerations consists of acts which create new and unnecessary offices or burden these and old ones with superfluous officials. This is done with the expectation that these offices can be used as rewards for party workers or otherwise for the strengthening of the party or the dominant machine. This practice has already been considered in connection with the spoils system,<sup>2</sup> and needs no further comment.

The party  
legis-  
lative  
caucus

(4) The party *legislative caucus* constitutes another important factor affecting legislation. One use made of the party caucus is for the nomination of candidates for various offices which are to be filled by election by the legislature, as, for example, the speaker of the House, the president *pro tempore* of the Senate, and the United States senators. Nomination by the caucus of the dominant party is generally equivalent

<sup>1</sup> J. R. Commons, *op. cit.*, 41; Reinsch, 201.

<sup>2</sup> Chapter XIV.

to election by the legislature. The contests in the caucus are frequently very heated, and the methods resorted to in such cases are not always the purest. The lobbyists representing the special interests actively seek to get a speaker who will appoint committees favorable to their schemes. Pledges may be required and given, with the result that the committees are packed in advance, and thus the course of legislation is predetermined.<sup>1</sup>

Besides influencing legislation in these indirect ways, the party legislative caucus exerts a much more direct influence. Whenever a line of policy has to be settled, or the whole party in the legislature rallied to support or oppose a given measure, the party members "go into caucus." Caucuses are held more frequently for such purposes in Congress than in State legislatures. In State legislation the small number of distinctively party measures and the centralization of party management, including legislation, in the hands of a boss or machine oligarchy are the chief reasons for the relative unimportance of the party caucus in State legislatures. Even in Congress only the most important measures are made the subject of caucus action. Such action cannot be applied every day or for every bill.

A caucus is sometimes resorted to where there is fear of mutiny against the orders of the organization leaders. In such cases the object of the caucus is not so much to smooth out differences of opinion as to coerce the individual members into submission. Ordinarily the caucus affords an opportunity for free

The caucus as a means of discipline

<sup>1</sup> Ostrogorski, *Democracy and the Party System*, 291.



discussion, and thus serves as a sort of safety-valve for pent-up feelings. It sometimes happens that members who have "gone into caucus" "walk out of the caucus" before a decision has been reached on the subject under discussion, in order not to be bound by that decision. For it has come to be a recognized rule that once a member has gone into caucus he must abide by the decision of the majority or become a "bolter" or "insurgent." Where party organization is strong the bolter takes his political life in his hand. Sometimes it is deemed wise, for the sake of harmony, instead of or before resorting to the more drastic caucus action, to call a "conference" of the party members in the legislative body. The decisions of a "conference" are not supposed to be binding upon those who participate. On the whole, the caucus decisions reached in Congress, although frequently obtained by moral coercion, are not necessarily bad in themselves. Often they may be sound and helpful for carrying on legislation. The same is less true of State legislative caucuses. Caucus decisions are seldom withheld from the public, although the caucus is usually held behind closed doors. This exclusion of the public from caucus sessions affords another opportunity for the representatives of special interests to promote or defeat legislation in ways more or less devious.

"Conferences"

The  
"lobby"

(5) Perhaps the most powerful influence shaping legislation is the "lobby." The lobby is the name given to persons who undertake to influence the members of a legislative body to oppose or to support proposed legislation. One who makes a practice of thus

seeking to influence legislators is called a "lobbyist," and his activity in that direction is called "lobbying." The term does not necessarily imply the corrupt use of money, nor does it necessarily impute any improper motive or conduct. Often where the lobby is most industrious, numerous, persistent, and successful corruption is wholly absent. "By casual interviews, by printed appeals in pamphlet form, by newspaper communications and leading articles, by personal introductions from or through men of supposed influence, by dinners, receptions, and other entertainments, by the arts of social life and the charms of feminine attraction," the legislator is besought to look with favor or disfavor upon measures which interested parties desire to have enacted or defeated. Lobbying of this nature can be and often is of the greatest educative value to legislators who are personally unacquainted with the merits or defects of particular legislation.<sup>1</sup>

**Legitimate  
lobbying**

There are two well-defined classes of lobbyists. The first class consists of perfectly honorable men, and sometimes women, who adopt open-and-above-board methods of influencing legislation. "They seek to organize a public opinion favorable to their measures by the industrious collection and publication of facts, the distribution of documents, and the taking of testimony before committees. . . . Reputable men in every department of life frequently endeavor to influence legislation, even in matters in which they have no pecuniary interest whatever."<sup>2</sup> The existence of this class of lobbyists constitutes no serious problem except as it renders difficult the drafting of laws reg-

**Two  
classes of  
lobbyists**

<sup>1</sup> A. R. Spofford, in *Lalor*, II, 778.

<sup>2</sup> *Ibid.*, 779.

ulating lobbying which shall not unduly restrict such legitimate activities.

The other class of lobbyists has been called the unscrupulous "harpies and vultures of politics." Some of these lobbyists are paid attorneys of corporations; many of them are former members of Congress or of State legislatures who understand the inner workings of the legislative machinery. It is this class, very largely representing the special interests and employing means more or less corrupt, which is, perhaps, the chief cause of bad legislation and the defeat of much that is good. Many congressmen and State legislators and municipal councilmen are personally interested, and lobby for themselves among their colleagues from the vantage-ground of their official positions. In the great financial centres like New York a practice had grown up a few years ago which, while formally legal, carried with it a great temptation to employ corrupt means. Firms of lawyers would undertake to draft a bill for a certain purpose, have it introduced, watch its progress, argue it before committees, prepare written statements, and finally, after it had passed, defend its constitutionality, which they guaranteed. The remuneration paid for these services was at times exceedingly high, fees of \$100,000 being of not unusual occurrence. As the fees were contingent upon the passage and final validity of the law, it is apparent that they constituted an inducement to use methods which were not strictly professional. In fact, under the guise of legal representation, compensated by regular fees, some of the most objectionable lobbying has been carried on.<sup>1</sup>

<sup>1</sup> Reinsch, 92.

In States or cities where a boss or machine is in full control of a legislature the number of lobbyists is likely to be small. Instead of each special interest which desires to influence legislation having to go to the trouble and expense of interviewing and persuading the individual members until a sufficient number can be won over, all that is necessary is to "see" the boss and comply with his terms. Whereupon the boss issues the necessary orders to "the boys" in the legislature or councils, and the measure usually meets the fate desired. Here, as was explained in an earlier chapter,<sup>1</sup> is one of the greatest sources of power of the boss. The opportunity thus afforded for the enactment of special legislation of a pernicious character, and for the defeat of good legislation, is too obvious to need further comment.<sup>2</sup>

• Lobbying largely disappears where there is a strong boss

In the case of Congress, however, there is no such thing as one organized or centralized lobby. At every session a host of lobbyists descends upon Washington and attempts to influence legislation, sometimes by individual, sometimes by associated action. Changes in the tariff rates, in the internal revenue taxes, in the banking and currency laws, mining statutes, public land laws, patent and pension laws, shipping subsidy bills, labor legislation, railway regulation, trust legislation, appropriation bills for river and harbor improvements—these and a multitude of other subjects of legislation bring to the capital expert lobbyists skilled in the manipulation of legislative bodies and employing every imaginable means.<sup>3</sup>

The chief causes of the widely ramifying activities

<sup>1</sup> Chapter XVI.

<sup>2</sup> See Reinsch, 233 ff.

<sup>3</sup> A. R. Spofford, *op. cit.*, 778.

Chief  
causes of  
the prev-  
alence of  
lobbying

of the lobby, both in Congress and State legislatures, are to be found in the nature of our legislative methods, especially in the opportunities which the committee system furnishes for influences to be brought to bear upon a few persons who occupy strategic positions with respect to pending legislation. The other chief cause is to be found in the increasing number and variety of matters with which legislative bodies are called upon to deal. Sixty years ago there was comparatively little need of a lobby.<sup>1</sup> But under present conditions it is impossible for any ordinary member of a legislative body to keep abreast of his work. His own personal knowledge of the need for legislation and the merits or defects of pending bills is utterly inadequate. The number of bills which explain themselves is comparatively small, and on many points even the most intelligent and active members welcome guidance. Indeed, it would seem as if the functions of our legislatures are after all nearly as much judicial in nature as strictly legislative. For comparatively little legislation originates in the State legislatures or municipal councils. In the case of Congress probably the proportion of legislation drafted by members is greater. But in all legislative bodies the major part of bills is drawn up by outsiders and introduced by some member "by request."<sup>2</sup> Thus it has come about that a legislative body of necessity becomes to a great extent a court, or, better, in view of the universal committee system, a series of small courts which hear and determine matters brought before

<sup>1</sup> *The Nation*, LXXI, 206 (1900).

<sup>2</sup> *The Independent*, LXII, 1203 (1907).

them by interested parties. While special interests are ever on hand to present their case before these courts, public opinion is seldom sufficiently well organized to make itself heard effectually.

(6) Nevertheless, public opinion should be reckoned among the important factors shaping legislation, although it has to be confessed that instances of its influence at times seem all too rare. On occasions, however, public opinion has been even more powerful than the lobby and the machine. These occasions have most frequently arisen when public interest in legislation has been stimulated through some crying abuse or as a result of vigorous agitation in favor of some important reform measure. "Public opinion in such cases becomes articulate through newspaper propaganda, and through the organization of various reform associations. While the special interests, of course, always provide themselves with newspaper organs, such affiliations are soon discovered by the public and the editorial column of such papers loses its influence. Some of the most gratifying defeats of machine manipulations in legislation have been brought about by the hue and cry raised by the independent metropolitan press. . . . Legislative organizations will be careful not to defy public opinion, however ready they may be to defeat it."<sup>1</sup>

Public  
opinion

(7) The other factors or influences shaping legislation call for only brief comment. Many bills are put through legislative bodies by resorting to what is called "log-rolling." This process may be illustrated as follows: "Two members, each of whom has a bill to

Miscellaneous  
forces influencing  
legislation.

<sup>1</sup> Reinsch, 279, 282.

**"Log-rolling"**

get through, or one of whom desires to prevent his railroad from being interfered with while the other wishes the tariff on an article which he manufactures kept up, make a compact by which each aids the other. This is log-rolling. You help me roll my log, which is too heavy for my unaided strength, and I will help you to roll yours."<sup>1</sup> The term is derived from pioneer times, when frontiersmen helped one another in rolling logs, making clearings, and building cabins.

**Extravagance of legislative bodies largely due to log-rolling**

The practice of log-rolling explains the enactment of much special legislation of a pernicious character and much of the wastefulness and extravagance that have appeared in congressional appropriations, and, in a somewhat less degree, in State appropriations. River and harbor bills, for example, are loaded down with appropriations for utterly unworthy undertakings because congressmen have come to feel that their standing with their constituents and tenure of position depend not upon their high abilities for dealing with really great issues, but upon the success with which they may secure appropriations for selfish local interests—that is, "get pork out of the public pork-barrel." And it is only by voting for the appropriations of this nature which are desired by his colleagues that the ordinary congressman can secure the appropriations he desires for his own district.<sup>2</sup> Log-rolling also obtains to a deplorable degree in connection with appropriations for public or Federal buildings, the establishment and upkeep of army posts, and special legislation in the form of private pension bills. In State legislatures, on a smaller scale, the same extravagant and

<sup>1</sup> Bryce, II, 160.

<sup>2</sup> Beard, 271.

wasteful method of log-rolling is rampant. The size of appropriations is determined not by any fair or adequate considerations of the merits of the recipient institution or project, but by the necessity of making the surplus in the State treasury "go round," so that as many interests as possible may be served at the "pie-counter."

The precise extent to which bribery and other forms of corruption serve to influence legislation will probably never be known. In the nature of the transaction, with laws and public opinion almost universally condemning bribery, it is conducted with the greatest possible secrecy. Only now and then does an exposure suggest the possible full extent of the evil. It undoubtedly exists to some extent in all legislative bodies, and is believed to be especially frequent in the case of municipal councils and the legislatures of a few States. In Congress Mr. Bryce estimates that perhaps five per cent of the members may be susceptible to such influence. Proof of direct corruption in Congress has been very rare, though during the Civil War there were some actual cases of the payment of money for votes, and during Reconstruction three members of the House were found guilty of selling nominations to West Point. Occasionally members have been known to accept stocks and bonds as gifts, or to take them over at low prices, with the understanding that the enactment of pending legislation would greatly increase their market value. During the last forty years, however, few legislative bodies in the world have been freer from charges of the transfer of votes for money or direct valuable considerations.<sup>1</sup>

**Bribery**

<sup>1</sup> A. B. Hart, *Actual Government*, 247.



Inviting  
bribery  
by "hold-  
up" or  
black-  
mailing  
bills

Many people feel that when legislators accept bribes they are more sinned against than sinning, and should therefore be dealt with leniently. The pressure brought to bear upon law-makers by bosses, special interests, and political machines, it is pointed out, is something the force and power of which the average citizen has no adequate conception. At the same time, many, if not most, of the State legislatures contain a few unprincipled members who deliberately invite bribery. This takes the form of what is called "strike" legislation, or "hold-up" bills. Sometimes a member brings in a bill directed against some railroad or other corporation, merely to levy blackmail upon it. Examples of such "strikes," or "hold-ups," are to be found in bills requiring railroads to establish standard scales at country cross-roads, put asphalt between the rails in desolate places, place stock-yards on costly terminal grounds, etc.<sup>1</sup> Mr. Bryce mentions a certain State senator who for some years regularly practised this trick. Having introduced his "strike," the senator would come straight to New York, call at the railroad offices, and ask the president of the road what he would give him to withdraw the bill. Professor Reinsch is authority for the statement that the president of a New York life insurance company declared that eighty per cent of all legislative bills referring to insurance are "hold-up" measures.<sup>2</sup>

Owing to this practice, the representatives of industrial and commercial interests claim that they are forced to the adoption of corrupt methods as a means of self-protection against unreasonable legislation, or

<sup>1</sup> M. Gardenshire, in *No. Am. Rev.*, CXCI, 483 (1910).

<sup>2</sup> Bryce, II, 161; Reinsch, 283.

of securing such laws as are necessary to the proper prosecution of their business. In the majority of cases, however, this defence of corruption is unconvincing. Money spent in this way to avoid legislation is worse than wasted, since the appetite grows by what it feeds on. It appears clearly, from a study of the action of the great industrial interests, that they often do not go into the legislature primarily for the purpose of self-defence, but on account of a desire to gain undue privileges denied to others, and to resist legislation demanded in the interest of the public.<sup>1</sup>

A strong, well-organized, and ably led minority in a legislative body sometimes exerts an influence in shaping legislation. By taking advantage of disagreements in the dominant party, and by resorting to dilatory parliamentary tactics, called "filibustering," a minority has been able to wear out the majority and prevent an obnoxious measure from coming to a final vote. This is sometimes a potent weapon in the last crowded days of a congressional or legislative session. Filibustering may also be resorted to with the view not of ultimately defeating a measure, but for the purpose of bringing the majority party to accept certain amendments desired by the minority. Again, the minority has not infrequently performed an important service by exposing the hollowness of much supposedly good legislation supported by the organization, and the perniciousness of other organization measures.

Having thus reviewed the principal ways in which practical politics appear in connection with legislative bodies, and noted some of the evils connected there-

**Influence  
of a strong  
and well-  
led mi-  
nority**

<sup>1</sup> Reinsch, 255.

with, we shall outline in the next chapter some of the ways in which certain of these evils have been met and, in a measure, remedied.

### QUESTIONS AND TOPICS

1. How has the speaker's power of recognition been used to influence congressional legislation? (See Bryce, Follett, Hale.)

2. Compare the position, influence, and methods of the speaker of Congress with those of the speaker of the English House of Commons.

3. Compare the influence and methods of the speaker in Congress and the speaker in your own State legislature.

4. In what different ways did the following men add to the influence and power of the speakership in Congress: Henry Clay, James G. Blaine, Schuyler Colfax, Samuel J. Randall, Thomas B. Reed? (See Follett.)

5. Causes and results of the agitation against "Cannonism," 1907-1910.

6. Collect specific instances of the way in which the House committee on rules influenced important congressional legislation before the change of 1910.

7. An account of the circumstances attending the elimination of the speaker from the committee on rules in Congress, March 19, 1910.

8. The new method of selecting House committees in Congress, the circumstances which produced the change, and the debate over the proposed change in 1911.

9. Compare the composition, powers, and methods of the committee on rules in your own State legislature with those of the congressional committee on rules.

10. Compare English and Canadian parliamentary methods with American legislative procedure. (See Bryce, Ford, Lowell's *Government of England*.)

11. The English system of dealing with private bills and regulating lobbying before Parliament.

12. The Louisiana Lottery Company and the Louisiana legislature. (See Buell, McGloin, Wicliffe.)

13. Lobbying methods in the New York legislature as revealed in the insurance investigation of 1905.

14. Lobbying in Congress, 1867-1888, by the Union Pacific Railway interests. (See *Senate Exec. Docs.*, 1st session, 50th Congress.)

15. What pernicious legislative methods appear in connection with congressional river and harbor bills, pension legislation, appropriations for post-offices and other Federal buildings?

16. Mention as many important instances as you can in which executive influence was an important factor in forcing or shaping legislation under Presidents Cleveland, Roosevelt, and Taft.

17. The President of the United States as a party leader. (See Beard.)

18. Compare the conception of the proper relations of the governor to the State legislature illustrated in the methods of Governor Dix, of New York; Governor Baldwin, of Connecticut; Governor Wilson, of New Jersey; and Governor Harmon, of Ohio.

19. What important State legislation has been brought about largely through the influence of recent governors, notably Governors La Follette, of Wisconsin; Wilson, of New Jersey; Harmon, of Ohio; and Johnson, of California?

20. Give as many instances as you can in which mayors of important cities have been largely instrumental in bringing about desirable and preventing undesirable municipal legislation.

21. The effect of national parties upon State parties and State politics. (See Bryce, Lowell.)

22. Give concrete illustrations of the ways in which minorities have been able to influence important legislation, especially in Congress.

23. Give all the instances you can, in recent years, when organized public opinion has compelled the abandonment or the enactment of important State and congressional legislation.

24. Explain how and why the minority party in State legislatures and municipal councils often works in harmony with the dominant party or "organization." (See Reinsch, Bryce.)

25. Criticisms of the tyranny of the modern congressional caucus. (See Beard's *Readings*, quoting the *Congressional Record*.)

26. The origin of the practice of gerrymandering and early instances of its use. (See Griffin, Griffith.)
27. The Wisconsin gerrymander of 1891. (See Commons, and *Rev. of Rev.*)
28. The New York apportionment fight of 1905.
29. Corruption in Southern State legislatures during the period of "carpet-bag and negro rule." (See Fleming's *Documentary History of Reconstruction*, II, and various monographs on Reconstruction.)
30. The selling of nominations to West Point by congressmen in the Reconstruction period.
31. Recent disclosures of corruption in the legislatures of New York and other States in connection with legislation. (See Gardenshire.)
32. The Mormon Church in its relations to State and national politics.
33. Speaker James G. Blaine and the Little Rock and Fort Smith affair, 1871-1876. (See Rhodes.)
34. The Crédit Mobilier scandal in Congress in 1872.
35. The contest in the Pennsylvania legislature of 1913 over changes in the rules and the method of appointing committees.

## BIBLIOGRAPHY

- Abbott, E. H., "The Liberation of the House," in *The Outlook*, XCIV, 750 (1910).
- Adams, C. F., "Pensions—Worse and More of Them," in *World's Work*, XXIII, 188, 327, 385 (1911-12).
- Alger, G. W., "Executive Aggression," in *Atlantic Monthly*, CII, 577 (1908).
- Andrews, R. E., "Grip of the Gerrymander," in *The Independent*, LXX, 1002 (1911).
- Atkinson, C. R., and Beard, C. A., "The Syndication of the Speakership," in *Pol. Sci. Quar.*, XXVI, 381 (1911).
- Beard, C. A., *American Government and Politics and Readings*, ch. 14.
- Beveridge, A. J., "Canada's System of Responsible Government," in *McClure's*, XXXVII, 330 (1911).
- Bishop, J. B., "The Price of Peace," in *Century Magazine*, XLVIII, 667 (1894). On big business and legislation in New York.

- Bliss, W. D. P. (editor), *New Encyclopedia of Social Reform*, article, "Corruption."
- Brooks, R. C., *Corruption in American Politics and Life* (1910).
- Bryce, James, *The American Commonwealth*, I, chs. 13-15, 44-45; and appendix, "The Lobby" (4th edition).
- Buell, C. C., "The Degradation of a State," in *Century Magazine*, XLIII, 618 (1892). On the Louisiana lottery.
- Burton, T. E., "The Scandal of the Federal Appropriation Bills," in *World's Work*, XXV, 438 (1913).
- Cannon, J. F., "Under the Prophet in Utah," in *Everybody's*, XXIII, 723 ff. (1910-11). On the Mormon Church in politics.
- Cannon, J. G., "The Powers of the Speaker," in *Century Magazine*, LXXVIII, 306 (1909).
- Cockrell, E., "The Sources of the Speaker's Power," in *The Arena*, XXII, 657.
- Commons, J. R., *Proportional Representation* (2d edition, 1907).
- Congressional Directory*, 2d session, 62d Congress, p. 395 ff., for maps of all congressional districts (1911).
- Congressional Record*, 1st session, 62d Congress, XLVII, pt. 1, pp. 10, 161 ff. (1911). On the new House rules and the debate over the appointment of committees.
- Dalzell, John, "The Rules of the House of Representatives," in *The Independent*, LXIV, 577 (1908).
- Edmunds, G. F., "Perils of Our National Elections," in *The Forum*, XII, 691 (1892). On the gerrymander in Alabama, 1891.
- Finley, J. H., *The American Executive and Executive Methods* (1908), chs. 6, 14.
- Ford, H. J., *The Cost of Our National Government* (1910). On congressional extravagance.
- "American and Canadian Political Methods," in *No. Am. Rev.*, CXCV, 684 (1911).
- Fuller, H. B., "The Crime of the Pork Barrel," in *World's Work*, XX, 13, 259 (1910).
- "Wasting the Government's Money," in *World's Work*, XXI, 14001 (1911). On appropriations for public buildings.
- *Speakers of the House* (1899).

- Gardenshire, M., "Bribery in the Legislature," in *No. Am. Rev.*, CXCI, 482 (1910).
- Griffin, H. C., "The Gerrymander," in *The Outlook*, XCVII, 186 (1911).
- Griffith, E. C., *The Rise and Development of the Gerrymander* (1907).
- Haines, Lynn, *The Minnesota Legislature of 1911* (1912).
- Hale, W. B., "The Pension Carnival," in *World's Work*, XX, 13485 (1910). On pension extravagance by Congress.
- "The Speaker or the People," in *World's Work*, XIX, 12805 (1910).
- "Woodrow Wilson," in *World's Work*, XXIII, 522 (1912).
- Hart, A. B., "The Biography of a River and Harbor Bill," in *Practical Essays on American Government*.
- *Actual Government*, chs. 7, 14.
- Hearst's Magazine, XXI, 2204d ff. (1912). "The History of the Standard Oil Letters." On relations of Standard Oil Company to legislation.
- Hendrick, B. J., "Governor Hughes and the Albany Gang," in *McClure's*, XXXV, 495 (1910).
- "Woodrow Wilson: Political Leader," in *McClure's*, XXXVIII, 217 (1911).
- Hichborn, F., *Story of the California Legislature of 1909*.
- *Story of the California Legislature of 1911*.
- Hill, D. B., "We Are Too Much Governed," in *No. Am. Rev.*, CLXX, 367 (1900).
- Hinds, A. C., "The Speaker of the House of Representatives," in *Am. Pol. Sci. Rev.*, III, 153 (1909).
- Howe, F. C., "Choose Your Congressman," in *Everybody's*, XXIII, 593 (1910).
- Kelley, M. C., *Machine Made Legislation*.
- Lindsey, B. B., "The Beast and the Jungle," in *Everybody's*, XXI, 433, 579, 770 (1909). On big business in Colorado politics and legislation.
- Lowell, A. L., "The Influence of Party Upon Legislation in England and America," in *Am. Hist. Assn. Report*, I, 319 (1901).
- MacAdam, H., "The Insurgents," in *Everybody's*, XXVI, 770 (1912).

- MacDonagh, M., "Mr. Speaker," in *Nineteenth Century*, LVIII, 320 (1905). On the English speaker.
- McGloin, F., "Shall the [Louisiana] Lottery's Charter be Renewed?" in *The Forum*, XII, 555 (1891-92).
- Mason, E. C., *The Veto Power* (1891).
- Mathews, J. M., "The New Role of the Governor," in *Am. Pol. Sci. Rev.*, VI, 216 (1912).
- Nelson, H. L., "Making Laws at Washington: Government by the Hierarchy," in *Century Magazine*, LXIV, 169 (1902).
- New York Constitutional Convention, 1894, *Revised Record*, III, 1083, 1162; IV, 34 ff. On gerrymander.
- Legislative Insurance Investigation Committee, *Report*, VII, 300, and index, 555.
- Ostrogorski, M., *Democracy and the Organization of Political Parties*, II. (See index.)
- *Democracy and the Party System*, ch. 13.
- Outlook, The*, LXXXIX, 12 (1908), "Government by Oligarchy."
- XCVI, 857 (1910), "How I was Converted Politically." On railroads in Kansas politics.
- XCVI, 990 (1910), "A Railway Out of Politics." The Boston and Maine.
- Reinsch, P. S., *American Legislatures and Legislative Methods* (1907).
- *Readings on American Federal Government* (1909), p. 223 ff.
- *Readings in American State Governments* (1911).
- Review of Reviews*, IV, 497 (1891), "Down with Gerrymandering."
- XLI, 387 (1910), "The New York System." On legislative corruption.
- Roosevelt, Theodore, "Thomas Brackett Reed and the Fifty-first Congress," in *The Forum*, XX, 410 (1895-96).
- Russell, C. E., "Scientific Corruption in Politics," in *Hampton's*, XXIV, 843 (1910). On Pacific Railway lobby in Congress.
- "The Railroad Machine as It Now Works," in *Hampton's*, XXV, 364 (1910).
- "What Are You Going To Do About It?" in *Cosmopolitan*, XLIX, 147, 283, 466; L, 45, 151 (1910-11). On legislative corruption.



- Schaffner, Margaret A., *Lobbying*, Wisconsin Legislative Reference Bulletin No. 2 (1906).
- Senate Executive Documents*, 1st session, 50th Congress, No. 51, Vols. II-VI (1888). See "C. P. Huntington," in index. On Pacific Railway lobby.
- Smith, E. B., "Street Railway Legislation in Illinois," in *Atlantic Monthly*, XCIII, 109 (1904).
- Spofford, A. R., "Lobby," in Lalor, II, 778.
- Stevens, F. C., "A Defence of the Rules of the House of Representatives," in *Rev. of Rev.*, XXXIX, 470 (1909).
- Taylor, Hannis, "The Speaker and His Powers," in *No. Am. Rev.*, CLXXXVIII, 495 (1908).
- Wicliffe, J. C., "The Louisiana Lottery: A History of the Company," in *The Forum*, XII, 569 (1891-92).
- Woodburn, J. A., "The Gerrymander," ch. 19 in *Political Parties and Party Problems*.
- Woodruff, C. R., "A Mayor with an Ideal," in *The Outlook*, LXXXVIII, 921 (1908). Mayor Guthrie of Pittsburgh.
- World's Work*, The, XX, 13273 (1910), "A Congressman's Letter." A defence of "pork barrel" and tariff legislation.
- XXIV, 265 (1912), "The Climb of the Pension Tax." Charts given.

## CHAPTER XX

### REMEDIES FOR LEGISLATIVE EVILS. IMMUNITY LAWS. ANTI-LOBBYING LAWS. LEGISLATIVE REFERENCE LIBRARIES. THE "PEOPLE'S LOBBY." THE INITIATIVE AND REFERENDUM.

Most of the remedies for legislative evils appearing in connection with practical politics, require only brief comment. (1) In order to minimize the evil of partisan decisions in contested election cases affecting members of legislative bodies, it has been suggested that all such cases be tried and determined in the ordinary courts of justice where the rights of each party may receive more impartial consideration.<sup>1</sup>

*Remedies:*  
(1) Judicial decision of contested election cases

(2) Laws requiring the keeping and publishing of the records of all committee meetings, throwing such meetings open to the public, and requiring due notice of the time and place of meetings would go far toward removing some of the worst evils of the committee system. Legislative rules sometimes guard against the smothering of bills in committee by providing for the discharge of a committee from the consideration of a given measure. The effect is to place the bill upon the calendar of the House for consideration.

(2) Publicity for committee proceedings

(3) Most State constitutions, reflecting the general distrust of legislatures and disappointment over the

(3) Constitutional limitations

<sup>1</sup> Bryce, II, 153.

results achieved by them, contain provisions designed to remedy certain legislative evils: by limiting the duration of legislative sessions, and making them less frequent; by defining and regulating the main steps in procedure, and safeguarding against hasty, ill-considered, and one-sided legislation; by prohibiting the enactment of special and local laws where a general law can be made to apply. As has already been stated, such constitutional provisions are not infrequently disregarded in actual practice.<sup>1</sup>

(4) Veto of specific appropriations, and the "local co-operating plan"

(4) Power conferred upon the President, governor, or mayor to veto or reduce specific items in appropriation bills might be, and in some States has proved to be, an effective means of checking legislative extravagance. On the other hand, there is a constant temptation for the legislature to curry favor with various constituencies by voting large appropriations for those districts and throwing upon the governor the responsibility for the veto or reduction of the amounts thus appropriated. The possibility also of the misuse of this veto power by unscrupulous executives has already been mentioned.<sup>2</sup>

Another possible check upon Congressional extravagance is embodied in the suggestion called "the local co-operating plan." According to this plan, Federal appropriations for public works or buildings, usually included in the term "pork-barrel legislation," should be proportioned to the willingness of the community deriving the main advantage there-

<sup>1</sup> Reinsch, 129-130. For a summary of other constitutional restrictions, see Beard, 531-532, and Beard and Shultz, *Documents*, 3-12.

<sup>2</sup> See chapter XIX.

from to contribute a reasonable amount, perhaps one-tenth, toward the cost of such enterprises. It is claimed that this plan "would provide the necessary balance-wheel of economy by transferring to public finance the well-known rule of organized benevolence—to help those who are trying to help themselves."<sup>1</sup>

(5) Bribery of legislators could be materially reduced, if not extirpated, by the adoption of so-called "immunity statutes," which free from punishment the party to a bribery transaction who confesses and furnishes evidence for the conviction of the other party or parties. At present the laws of most States hold the bribe-giver and the bribe-taker equally guilty, and are ineffective. Bribery is essentially a crime of darkness; only two persons as a rule have knowledge of it, the bribe-giver and the bribe-taker. Ordinarily, there are no disinterested witnesses of the transaction. The parties arrange to meet in secret, and in secret arrange the details of their agreement. They are careful to leave no record or memorandum which might be made the basis of prosecution. Being equally guilty, both have the strongest motive for concealing the crime. For either to disclose the transaction may result in his own prosecution and the escape of the other equally guilty party. Thus the punishment of these and similar offences has often been placed practically beyond the power of the law. In order to meet this situation, immunity laws have been enacted in a few States. To the objection that it is unjust that the bribe-giver should be permitted to go free while the

(5) "Immunity"  
statutes

<sup>1</sup> Anson Phelps Stokes, Jr., in *Harper's Weekly*, LVII, March 22, 1913, p. 9.

bribe-taker is punished, or *vice versa*, the reply is that it is better to have one of two guilty parties given immunity than to permit both to escape prosecution and a most serious crime to go entirely unwhipped of justice.<sup>1</sup>

(6) Legislative reference libraries

(6) The most obvious remedy for evils due mainly to the character of legislators and their lack of proper qualifications for law-making consists in the nomination and election of men better qualified by character, training, and practical experience for the important work of legislation. Increased popular interest in nominations and improvements in nominating methods will tend in this direction.

The Wisconsin experiment

A quicker agency for supplying the needed training and experience is to be found in the creation of a competent legislative reference library or bureau. This experiment was first successfully tried in Wisconsin. A few years ago the legislature of that State voted a small appropriation for a legislative reference library, and a man thoroughly trained in history, economics, and politics was put in charge. With a small expenditure of money he rapidly gathered a valuable collection of reports, bills, and laws—catalogued and indexed so as to be at all times readily available. When the legislature convened, the librarian was ready to give every member impartial service and reliable information. No matter

<sup>1</sup> F. E. McGovern, in *Am. Pol. Sci. Assn. Proceedings*, IV, 266 (1907). "We make a statute declaring that the bribe-taker shall be punished as a felon . . . in the same rule provision is made that the man who offers the bribe shall also be a felon and thereby we wipe out the only available witness to the transaction." M. Gardenshire, in *No. Am. Rev.*, CXCI, 485 (1910).

what subject a member might be interested in, or what bill he might be desirous of introducing or combating, the librarian was able quickly to furnish information as to what other States had done, how such legislative experiments had succeeded, and how to frame his own proposals. Bills were drafted for members at their request, and they were given hints on important points of practice, and even arguments were prepared for them if they so desired. Unwearied service, universal helpfulness, impartial and tactful dealing with any public question brought up, enabled the expert to give the members exactly what they needed, to furnish them a place where they could go in the fullest confidence that the best sort of information and assistance which any effort could secure would be supplied to them. "The result has been most gratifying. Already long before the session begins, inquiries commence to pour in asking for information concerning legislative precedents, conditions in this and other States, the feasibility and constitutionality of laws, etc. Throughout the session the expert and all his assistants are working at red heat, keeping abreast with the endless and exacting demands made upon them. The members of the legislature, having an unpolluted source of information at their command, gain self-reliance and confidence; they are able to meet the pleader for special interests with strong arguments drawn from their independent armory. Some of the experienced legislative counsel who appeared before this legislature declared they had never come before a body of men so well informed and so keen in their insight, and yet no more than good average representa-

tives of the people of the State. Moreover, seeing the bearing of the questions with which they were dealing, not confused by half-understood arguments, the members have taken an increased interest in the work before them."<sup>1</sup>

Institutions performing similar functions are now in successful operation in nearly half the States of the Union, and a measure is pending in Congress for the creation of a similar institution in connection with the Library of Congress for the benefit of senators and representatives.

**The New  
York ex-  
periment**

To serve a similar purpose, New York has provided by statute that the temporary president of the Senate and the speaker of the Assembly shall appoint a number of competent drafters, whose duty it shall be, during the session of the legislature, on the request of either House, or of a committee, member, or officer thereof, to draw bills, examine and revise proposed bills, and advise as to the consistency and legal effect of any legislation. Unfortunately, however, this group of supposed experts is by no means always consulted.<sup>2</sup>

**(7) The  
"people's  
lobby"**

(7) More effective methods of enlightening the public concerning legislative proceedings, and of bringing public opinion to bear upon legislative bodies, have in two or three States done much to defeat pernicious legislation and to prevent the re-election of corrupt members; also to bring about the enactment of much desirable legislation. Only a beginning of really efficient work in this direction has been made. The most noteworthy examples are to be found in the work of

<sup>1</sup> Reinsch, 296-297.

<sup>2</sup> Beard, 542.

the Massachusetts Civic League, the Chicago Legislative Voters' League, and in the work of the committee on legislation of the Citizens' Union of New York City. Such organizations have been aptly called "the people's lobby," for much of the work done by them is in reality lobbying in the interest of the people.<sup>1</sup> During the regular session of the Illinois General Assembly in 1911, the Legislative Voters' League of Chicago issued weekly bulletins telling briefly and clearly of legislative activities and of the attitude of the leading members of the house of representatives and senate.<sup>2</sup> The New York organization performed a similar service for that State. After the adjournment of the New York legislature, in October, 1911, a report was issued which summed up briefly the position of representatives and senators upon the more important measures acted upon by that body.<sup>3</sup>

(8) For the evil of the gerrymander different schemes of proportional representation and the method of cumulative voting, by means of which minorities would be given greater representation in legislative bodies, have been advocated. Cumulative voting has been tried in Illinois, but with doubtful success. At the present time publicity appears to be the most promising remedy for the gerrymander. If the non-partisan press and organizations working for clean politics would undertake a campaign of education while the apportionment acts are pending in the various State legislatures; if they would bring before the eyes of the voters maps of the districts,

(8) Proportional representation and cumulative voting

<sup>1</sup> See in Bibliography, King, Lee, and Whitney.

<sup>2</sup> *Am. Pol. Sci. Rev.*, VI, 110 (1912).

<sup>3</sup> *Ibid.*



present and proposed, calling attention to obvious examples of gerrymander and significant majorities—in other words, if the great mass of the intelligent, honest voters could once be made to understand how they are tricked—the legislators would be likely to hesitate long before indulging in this sort of partisan legislation.<sup>1</sup>

**(9) Anti-lobbying laws or regulations**

(9) To curb the evils of lobbying and at the same time give a legal status to permissible lobbying, the legislatures of several States have adopted, within a few years, “anti-lobbying” laws or rules. The main features of these statutes or rules may be summarized as follows: All persons lobbying in the interest of individuals, private associations, or corporations are divided into two classes—legislative counsel and legislative agents. Those classed as legislative counsel include persons employed to appear at public hearings before committees for the purpose of making arguments or examining witnesses and those who act as legal advisers in relation to legislation. The second class includes all others who endeavor to promote or defeat legislation through personal appeals to legislators. Before acting in either capacity a lobbyist is required to file a written authorization to act, and also to enter in a register or docket open to public inspection his own name, address, occupation, date and length of employment, the name of his employer, and the subjects of legislation to which his employment relates. Within thirty days after the final adjournment of the legislature every person, corporation, or association employing legislative agents of either class is re-

<sup>1</sup> H. C. Griffin, in *The Outlook*, XCVII, 193 (1911).

quired to file a sworn statement of expenses with the secretary of state or other designated official. Municipalities and other public corporations are exempted from these provisions. Employment for compensation contingent upon success is not permitted. The Wisconsin law of 1905 specifically makes it unlawful for any legislative counsel or agent to attempt to influence any legislator personally and directly otherwise than by appearing before the regular committees, or by newspaper publications, or by public addresses, or by written or printed statements, arguments, or briefs delivered to each member of the legislature.<sup>1</sup>

(10) Of the numerous remedies for legislative evils now being considered, none are attracting so much attention as the initiative and referendum. Nearly one-fourth of the States have already adopted the initiative and referendum in some form; while in as many more States constitutional amendments permitting their use are pending, or the question of adopting them has become a prominent subject in practical politics. As yet the system has been given an extended trial only in the State of Oregon. But the movement for the initiative and referendum is not confined to any one section of the country nor to States dominated by either one of the two great political parties; it is neither sectional nor partisan.

(10) Direct legislation

Briefly defined, the *initiative* is "a scheme whereby a small percentage of the voters may initiate a law and secure its adoption upon ratification by popular vote; and the *referendum* is the plan whereby a small percentage of the voters may require the reference of

Definition of initiative and referendum

<sup>1</sup> Reinsch, 294; *The Nation*, LXXI, 206 (1900).

any act of the legislature to the electorate for approval or rejection."<sup>1</sup> "The referendum enables the people to *veto* undesired legislation. The initiative enables the people to *enact* desired legislation."<sup>2</sup>

The initiative and referendum are complementary

From this definition it will be seen that the initiative and referendum, as remedies for legislative evils, are complementary. Alone, the referendum affords a *check* upon legislative action but does not provide for *positive* action by the people. It is in effect a popular veto—a further course which bills must take before becoming laws. The referendum may stand alone; the initiative, on the other hand, cannot stand alone. To be effective, the initiative must be combined with the referendum, otherwise there would be no improvement upon the practice existing at the present time whereby bills privately drafted are introduced into a legislature "by request." With the initiative, the people have the power not only to originate a bill, but they have, what is far more important, the power to bring about its adoption through a referendum vote of the people. Together the initiative and referendum constitute what is sometimes called "direct legislation," because where they exist the people may themselves enact laws without the necessity of acting through representatives.<sup>3</sup>

<sup>1</sup> C. A. Beard, in Beard and Shultz's *Documents*, 20.

<sup>2</sup> W. E. Weyl, in *The New Democracy*, 306.

<sup>3</sup> J. B. Sanborn, in *Pol. Sci. Quar.*, XXIII, 587 (1908). See E. P. Oberholtzer, *The Referendum in America* (new edition, 1912), ch. 15. The referendum as applied to the amendment or adoption of State constitutions and the initiative as it has long existed in many States for purposes of local legislation, will not be considered in this chapter. Attention will be confined to the referendum and initiative as remedies for legislative evils since their adoption in the State of South Dakota in 1898.

A referendum may be either optional or obligatory. When the legislature desires to obtain an expression of popular sentiment upon a pending measure it may provide that the measure shall not go into effect until it has been ratified by the people at an election; or else it is left to different districts or counties to determine by popular vote whether the law shall apply to that district or county. This is called an optional referendum. Where the obligatory referendum exists, legal provision is made for suspending for a certain time—usually ninety days from their passage—all ordinary legislative enactments. During that period the people have an opportunity to scrutinize the work of their legislature. If a stated percentage of them agree that a certain act is undesirable, they can, by filing a petition, prevent that act from taking effect until it can be submitted to the people and ratified by a popular vote. Excepted from the operation of the obligatory referendum are certain acts designated as “emergency measures.”<sup>1</sup> Unless otherwise indicated, it is always the obligatory referendum that is referred to in discussions of the initiative and referendum.

Optional  
and oblig-  
atory ref-  
erendum

The *initiative* may be invoked when the legislature, for any reason, has failed to pass certain measures desired by the people or has neglected to pass laws for the public interest. In such a case a citizen, or a group of citizens, may, with or without the advice of lawyers, draw up a bill which in their judgment meets the situation satisfactorily. Having done this, the

Procedure  
under the  
initiative

<sup>1</sup> The obligatory referendum also applies to bills originating under the initiative process.

next step is to obtain the signatures of the necessary percentage of voters to a petition requesting the enactment of this bill into law. This petition having been filed with the proper authority, one of two courses is provided by initiative and referendum statutes. The bill may be presented to the legislature for its action either at the next regular session or at a special session. If the legislature enacts the bill thus submitted to it, it becomes a law without the necessity of a referendum, although voters who disapprove of the law may invoke a referendum after it passes the legislature by complying with the usual formalities. In most States the legislature is not permitted to amend bills submitted to it under the initiative. If the legislature refuses or neglects to pass the bill, it is automatically referred to the people and becomes a law if approved by the required vote. To this method the name "indirect initiative" is applied. The other course, called the "direct initiative," requires the submission of the bill to the people directly at the next election without preliminary submission to the legislature.<sup>1</sup>

The initiative and referendum are not limited in their application to State legislation. To municipal and other local legislation they have been extensively applied, and in the judgment of not a few they have achieved their greatest successes in this more restricted sphere. On the other hand, there are those, notably the Socialists, who believe the adoption of the initia-

<sup>1</sup> In all States having the initiative and referendum the governor has no veto upon legislation enacted directly by the people. For variations in the application and scope of initiative and referendum statutes, see Beard and Shultz, *Documents*, 20-21.

tive and referendum in connection with national legislation would serve to remedy many of the evils connected with congressional law-making.<sup>1</sup>

*The principal claims made on behalf of the initiative and referendum* may be briefly summarized. (1) The distinguishing merit of the *initiative* is seen in its definition. It affords a means by which the people may obtain desirable and needed legislation which the legislature for any reason has failed to enact.

(2) Under the referendum the worst forms of lobbying and the obtaining of special favors through legislation can be very largely eliminated, and at the same time the character of our legislative bodies improved. Special favors through legislation are usually obtained as a result of the pressure exerted by the lobby, a pressure which is so concentrated upon a comparatively few members as to be irresistible. This concentrated pressure exists simply because, in the absence of the referendum, the decision of the legislature is final. This finality imparts a commercial value to these decisions. If the people could always demand a referendum, legislative acts, being no longer final, would soon lose their commercial value; and any pressure of special interests upon the public would necessarily be so widely diffused as to lose the crushing force it has when concentrated upon the legislature. As a result, the lobby would largely disappear and legislative bodies would once more become deliberative assemblies in which it would be a pleasure for men of intelligence and conscience to sit.<sup>2</sup> It should be further

**Advantages of direct legislation:**  
(1) The people may secure desired legislation

(2) Lobbying and special legislation will be greatly diminished

<sup>1</sup> See the Socialist platform of 1912 in chapter III.

<sup>2</sup> *Senate Documents*, 2d session, 55th Congress, XXVI, No. 340, p. 13.

noted that "hold-up" or blackmailing bills would largely cease to trouble, since the corporations affected can appeal to the people with full assurance that public opinion will not approve legislation of that character.<sup>1</sup>

(3) Direct legislation an important means of educating public sentiment

(3) The initiative and referendum possess great educational value because they permit "one section of the people most interested in some law to propose that law, force a public discussion and consideration by every voter not on the character and promises of some candidate for office, but on a definite and real measure."<sup>2</sup> It is the pronounced opinion of one thoroughly familiar with the operation of the initiative and referendum in Oregon, where the system has had the most complete trial, that, "on the whole, laws enacted by the people are more carefully prepared, more widely discussed, and more thoroughly considered than are the acts of a legislature."<sup>3</sup>

Oregon's "publicity pamphlet"

This result is largely attributed to the wise provisions in the Oregon law guaranteeing ample publicity for measures, and providing for the education of the voters with respect to the merits and defects of proposed legislation. To illustrate, a bill privately initiated must be filed not less than four months before the day of election. Before this the measure secures publicity through the requirement that the substance of the bill must be printed on the petitions which are circulated for signature asking for the referendum of the measure. Education of the voters is provided for by a publicity pamphlet, prepared by the secretary of

<sup>1</sup> Jonathan Bourne, Jr., in *Atlantic Monthly*, CIX, 125 (1912).

<sup>2</sup> *New Encyclopedia of Social Reform*.

<sup>3</sup> Jonathan Bourne, Jr., *op. cit.*

state and mailed to every voter at least fifty-five days before the election. This pamphlet contains full copies of the bills to be voted upon, the title and number of each as it will appear on the official ballot, together with arguments for and against each measure, furnished by those who are sufficiently interested to be willing to pay the bare cost of paper and printing.<sup>1</sup> No such opportunity for the study of legislation, it is claimed, is afforded either to the members of the legislature or to the people of a State where the initiative and referendum do not exist.<sup>2</sup>

(4) As the people have to understand the laws thus referred to them, there is every incentive to make the laws simple, direct, and easily intelligible in their provisions. When it is known that a bill must be enacted or rejected exactly as drawn, "the framers of measures will spend weeks and months in studying the subject and writing the bill in order to have it free from unsatisfactory features," and expressed in language readily comprehended by citizens of average intelligence.<sup>3</sup>

(4) Statutes would be made more intelligible

(5) In at least one respect the initiative and referendum tend to simplify and clarify the voter's task. Under our present system of choosing representatives to make our laws, the character and personality of candidates and the necessity of party success are kept constantly before the voters. We are never quite certain what sort of legislation will be enacted by the men whom we send to the legislature or city council, or to Congress, for in comparatively few cases are

(5) The voter's task would be simplified

<sup>1</sup> G. H. Haynes, in *Pol. Sci. Quar.*, XXII, 484 (1907).

<sup>2</sup> Jonathan Bourne, Jr., *op. cit.*

<sup>3</sup> *Ibid.*



candidates pledged to vote for a definite measure. Even when they are so pledged, there is no assurance that a good representative will remain good after he is elected and redeem his pre-election promises. Under the initiative and referendum, on the other hand, a definite measure is submitted to the voter for his approval or disapproval. He can decide whether he wishes this particular law or prefers some other law, without regard to the character and promises of candidates and the importance of party success.

**Oppo-  
nents of  
direct leg-  
islation**

The essentially radical nature of the initiative and referendum as remedies for legislative evils has evoked very strong opposition to their introduction and has sharpened the vision of hostile critics. *Those who oppose the introduction of the initiative and referendum* may be grouped into the following six classes: Those who do not understand, or else misconceive, the nature and workings of the initiative and referendum as now employed in the United States; those who think that our principal legislative evils are due to indifference on the part of the voters in selecting State and municipal officers, and the lack of minority representation in legislative bodies; those who think that direct legislation will interfere with the dignity and usefulness of the legislature, even if it does not go further and destroy our representative system of government with its checks and balances; those who distrust the people, and really believe that the people are not fit to govern themselves, and those who dislike popular government of any kind; the ultra-conservatives, who by reason of temperament or interest object to radical changes of any kind—those who are satisfied

with the institutions their fathers had, who regard it as disrespectful to presume to improve upon their methods; those whose personal schemes will be upset by the referendum—the predatory rich, who want franchises, special privileges, “jobs,” grafts, etc. and who believe that it is easier to get these from a representative legislature than from the people, and of course the professional classes dependent upon this class.<sup>1</sup>

The main *objections to or criticisms of the initiative and referendum* may be summarized as follows: (1) Direct legislation by the people is inconsistent with the continuance of a republican form of government, which, by the Federal Constitution, Congress is bound to guarantee to every State. This contention has been set at rest by a recent decision of the Supreme Court of the United States in a case arising in Oregon, which in effect established the constitutionality of the system prevailing in that State.<sup>2</sup>

(2) The continued existence of the American principle of separate and co-ordinate departments of government would be undermined by direct participation of the people in legislation. The veto of the executive would be rendered ineffective; the function of our supreme courts to pass on the constitutionality of statutes would be destroyed and the whole fabric of checks and balances would be distorted.<sup>3</sup>

**Objections to direct legislation:**  
(1) It is unconstitutional

(2) The system of checks and balances would be destroyed

<sup>1</sup> Frank Parsons, in *Senate Documents*, 3d session, 55th Congress, XXVI, No. 340, p. 143; *New Encyclopedia of Social Reform*.

<sup>2</sup> Pacific States Telephone and Telegraph Co. vs. The State of Oregon, decided February, 1912.

<sup>3</sup> W. R. Peabody, in *Pol. Sci. Quar.*, XX, 493 (1905); S. W. McCall, in *Atlantic Monthly*, CVIII, 461 (1911).

The reply: Direct legislation only an alternative method

To this line of argument the reply is made that the initiative and referendum system as now in operation in the United States, is everywhere an alternative system. No attempt is made to abolish law-making by the representative legislature, but only to supplement it and to provide a wholesome check thereon. Where the legislature stands ready to do the will of the people, recourse to direct legislation is unnecessary; should the legislature fail, however, to embody in the form of law principles demanded by the people, here is an institution through which the people themselves may perform that service.<sup>1</sup> Moreover, a study of the history of the initiative and referendum in those States where it has been in vogue shows that representative government is not destroyed. In most States the system has been invoked with relative infrequency. It remains in abeyance, to be used whenever any considerable portion of the voters think that the legislature has failed to do its duty. Even where resorted to most frequently, as in Oregon, the legislature has by no means been abolished or even set on the way to destruction.<sup>2</sup>

(3) The sense of legislative responsibility is weakened or shifted

(3) The system of direct legislation tends to weaken or to shift the sense of legislative responsibility. With the referendum the legislator does not vote for or against a bill; he merely votes to give the people an opportunity to vote on it. He does not need to express his own opinion. He may say that his own views are immaterial; that even if he is opposed to a bill, it would be unjust to refuse to allow the people a chance to express themselves. This feeling will affect

<sup>1</sup> S. G. Lowrie, in *Am. Pol. Sci. Rev.*, V, 571 (1911).

<sup>2</sup> C. A. Beard, in Beard and Shultz's *Documents*, 23.

his attitude toward all bills before the legislature, because to practically every bill the referendum may be applied. Furthermore the *initiative* would tend to *shift responsibility*. If new legislation is needed, it may be submitted by the initiative petition. If the legislators do not propose the measure needed, they are not to be blamed. The failure of the people to use their initiative shows that they do not desire action upon the matter.<sup>1</sup>

It may be pointed out, in rebuttal, that these objections ignore the existence of political parties, legislative *esprit de corps*, and the personal pride of individual members. The members of the legislature will continue to be chosen as party candidates, and the party must go before the people mainly on its record or promises respecting legislation. Party necessity, legislative *esprit de corps*, and personal pride of individual members will furnish sufficient incentives to legislative activity and the assumption of due responsibility. It should also be remembered that the vast majority of laws will continue to be enacted by the legislature, for the initiative and referendum are invoked with comparative infrequency.

(4) The referendum may be used, it is claimed, not only against bad laws and those for the benefit of special interests, but also to suspend really desirable legislation until the next election because it may happen to be opposed by some class in the State that succeeds in getting the necessary petition filed for a referendum.<sup>2</sup> Even so, it may be doubted whether the

The reply

(4) Good as well as bad legislation may be defeated by the referendum

<sup>1</sup> J. B. Sanborn, *op. cit.*, 602-603.

<sup>2</sup> *Ibid.*, 593. An instance of this occurred a few years ago in South Dakota.

public would be any worse off than when legislatures adjourn without having enacted seriously needed laws. Under such circumstances the people are compelled to wait until the next session of the legislature with no positive assurance that the necessary legislation will then be enacted.

(5) Under popular initiative, statutes will lack proper technical form

(5) It is predicted that laws originated under the initiative will lack the proper phraseology and technical form best adapted to accomplish their purpose; and that if there are a number of crudely drawn bills relating to the same subject, it will be impossible to combine, eliminate, and amend them.

The reply

But it may be safely asserted that there is nothing inherent in the plan of initiating legislation by groups of private parties which precludes an expertness and proper formality in the drafting of measures, at least equal to that commonly secured in the average State legislature. It is, of course, conceivable that a group of ignoramuses might draft a legal monstrosity; but in view of the fact that private persons would not initiate bills unless they were deeply interested in the success of their particular measures, there is every reason to suppose that they will employ competent legal talent in drafting them. "All that talent and enterprise which is now employed extra-legally in the drafting of bills for legislatures may be drawn upon in the drafting of bills for popular initiation. . . . The technical side of legislation may be handled in practice quite as well under popular initiation as under legislative initiation. . . ." <sup>1</sup>

Furthermore, it is claimed to be quite possible for all

<sup>1</sup> C. A. Beard, in Beard and Shultz's *Documents*, 35.

the advantages of legislative criticism, discussion, and amendment to be combined with a system of direct legislation. Thus, for example, in Maine the legislature is permitted to submit along with the original bill a substitute or competing measure, the people being permitted to choose between them. Although this practice may tend to confusion and affords an opportunity for the insertion of amendments in the nature of "jokers," it gives the legislature an opportunity to point out and remedy any serious defects in the bill privately initiated. In the proposed Wisconsin plan, the advantages of legislative consideration and revision are guaranteed in another way. The initiative is to be established as an *adjunct* to the legislature. All bills are first to be introduced in the legislature. Instead of circulating petitions to secure the consideration of measures, it is only necessary to find a representative who will introduce the bill into the legislature, and willing members can always be found. Every bill will be referred to an appropriate committee, and opportunity will be given supporters and opponents to argue its merits and defects. It will be subject to amendment as any other measure, and to debate and criticism in accordance with legislative rules. If it is finally passed in a form satisfactory to the originators, no further action is necessary. In the event of its defeat or amendment in such a way as to render it distasteful to them, the filing of a petition signed by voters will bring the measure, with any amendments desired by the petitioners, directly before the people for final action. "In this way, the legislature acts as a co-laborer, rather than as a competitor of the

The system in  
Maine  
and Wisconsin

people." It performs for the people the same functions that committees are supposed to perform for the legislature itself.<sup>1</sup>

(6) Voters  
are in-  
different  
to refer-  
enda

(6) It is objected that the referendum does not arouse sufficient interest on the part of the voters, as shown by the fact that the vote on referenda is usually much smaller than the vote cast at the same election for candidates for public offices. This might not be a defect, it is conceded, if those who voted were the most intelligent. On this point, however, there are no statistical studies, but, judging from the generally accepted belief that the great proportion of the stay-at-home voters belong to the more intelligent class, it is probably not the best class who vote on referenda.<sup>2</sup> It is further objected that voters who do not understand a proposition submitted to them, instead of voting against it, as is sometimes claimed, will not vote upon it at all, and their mere abstention may result in verdicts that are far from safe and sane.<sup>3</sup>

The reply

This objection loses much of its force, the advocates of direct legislation contend, when it is remembered that this indifference of the voters is frequently found in the referendum of constitutional amendments and even constitutions themselves, and the referendum of such matters is not attacked on that account. A light vote on statutes, as well as on constitutional amendments, may frequently be explained by the comparative unimportance of some subjects, or, in other instances, by the strong probability of their adoption

<sup>1</sup> S. G. Lowrie, *op. cit.*

<sup>2</sup> J. B. Sanborn, *op. cit.*, 594.

<sup>3</sup> G. H. Haynes, in *Pol. Sci. Quar.*, XXVI, 49 (1911).

on account of general acceptance.<sup>1</sup> Indeed, the smallness of a vote on referenda may indicate not a lack of interest, but a high degree of intelligence, on the part of the voters. It often shows that the voters are aware of the fact that they do not know enough about some particular or local matter to warrant their expressing an opinion one way or another. "What does a voter in a lumber camp in the Adirondacks know about the advisability of exempting certain bonds in New York City from the operation of the debt limit? Or what does the voter on West Seventy-second Street in New York City know about the desirability of increasing the number of judges in a judicial district in the western part of the State? It is evident, therefore, that, in order to ascertain the significance of popular voting upon referenda, every case must be examined on its merits. A general survey shows that for every instance of popular neglect another can be discovered of striking popular interest."<sup>2</sup> Not infrequently, as shown by the experience of Illinois, the size of the total vote on a referred measure bears a direct relation to the amount of publicity it has received. "Whenever special efforts have been made to enlighten the public . . . the public has responded by giving such propositions a greater amount of consideration than others not so well advertised."<sup>3</sup>

(7) Many of the subjects of legislation, it is asserted, are so abstruse or technical that the mass of

<sup>1</sup> C. S. Lobinger, *op. cit.*

<sup>2</sup> C. A. Beard, in Beard and Shultz's *Documents*, 39.

<sup>3</sup> C. O. Gardner, in *Am. Pol. Sci. Rev.*, V, 411 (1911).



(7) The average voter incapable of dealing with legislation

voters cannot be presumed to act upon them intelligently, because to do so would require a thorough knowledge of the subject concerning which legislation is proposed. The ordinary voter has no time, had he the inclination, for the careful study of measures which is essential to intelligent voting. He has not even time to meet the existing obligations imposed by our frequent elections and long ballot and to form an intelligent opinion of the merits of the candidates for all the different offices.

The reply

In rebuttal, it is contended that this argument assumes that legislators give to legislative enactments that careful and thorough study which enables them to vote intelligently upon every measure. But this ideal is seldom, if ever, realized by any legislative body in this country. Any one the least familiar with actual methods of legislation is aware of the vast amount of unwise, crudely drawn, and ill-considered legislation enacted and of the blind voting of members. If the system of direct legislation provides, as does the Oregon system, a means of giving the voters reliable information concerning the provisions and merits of referenda, there is little reason why the average citizen could not act as intelligently upon legislation as the average legislator.<sup>1</sup>

(8) Direct legislation futile so long as public interest in legislation is lacking

(8) The referendum tends to place the emphasis at the wrong end of legislative work. If we elect good men to the legislature, the need of checks of this kind will largely pass away. The fact that legislators are sometimes named and controlled by bosses is not the

<sup>1</sup> On the experience of Illinois with referenda of technical measures, see *ibid.*

result of any defect in our legislative system, but of public indifference. If this public indifference continues, we cannot expect the initiative and referendum to succeed. When the public takes an interest in the work of the legislature, it will take an interest in the nomination and election of members. When this interest is manifested, the members will respond to the wishes of their constituents. Until this interest is taken, the initiative and referendum will be useless.<sup>1</sup>

To this, the reply may be made that, where tried, The reply the initiative and referendum have not proved useless but highly beneficial. The people have come to take a greater interest in legislative matters when they know that they are themselves responsible if bad legislation is permitted to stand. Moreover, it is not always a question of electing good men to office, but often a question of keeping them good after they are elected. It has been found impossible to do this in many cases when the people have had no check upon the legislature, because of the concentrated pressure brought to bear by special interests whenever the decision of the legislature is final.

(9) Finally, the objection is made that the public may be put to the trouble and expense of voting upon measures which may not have behind them a demand sufficient to warrant their submission to the voters; that the initiative and referendum petitions may not represent any serious opinion on the part of those who sign them; that wherever the initiative and referendum are in force "a new trade of getting signatures develops." In Oregon, for example, these "signature

(9) Much trivial legislation will be submitted

<sup>1</sup> J. B. Sanborn, *op. cit.*

getters" are most active during the spring following a legislative session. "They are found in practically every part of the State. They invade office buildings, the apartment houses and the homes of Portland, and tramp from farm-house to farm-house. Young women, ex-book-canvassers, broken-down clergymen, people who in other communities would find their natural level as sandwich-men, dapper hustling youths, perhaps earning their way through college—all find useful employment in soliciting signatures at five or ten cents a name. . . ." <sup>1</sup>

**The reply**

This defect, it is argued in rebuttal, is a mere defect in detail, and not vital to the principle of the system. It can easily be remedied, if necessary, by increasing the number of signatures necessary for petitions; by requiring that petitions remain on file in some public office for signature, as has been suggested in connection with the recall; or by adopting the method proposed in Wisconsin.

**Conclusion: the initiative and referendum the best remedies at present for legislative evils**

A careful study of their actual operation justifies the conclusion that the initiative and referendum, like the direct primary, have failed to justify all the dire predictions of their opponents or to realize all the optimistic expectations of their champions. As remedies for legislative evils, they are not perfect any more than the Australian ballot or the direct primary is perfect. They are, however, apparently the best expedients available at present. With them, as without them, we shall undoubtedly enact into law a vast amount of "sublimated nonsense." Even were the average quality of our laws to be somewhat lowered,

<sup>1</sup> B. J. Hendrick, in *McClure's*, XXXVII, 235 ff. (1911).

which seems improbable, we might well accept that drawback because of the measure of insurance which the direct appeal to the people gives us against corrupt legislation, and because of the guarantee that with the initiative the people can have desirable legislation, bosses, machines, and misrepresentative legislatures to the contrary notwithstanding.<sup>1</sup>

### QUESTIONS AND TOPICS

1. What attempts have been made in different States to give publicity to or otherwise to regulate the proceedings of legislative committees? Also to regulate lobbying?
2. What are the arguments for and against judicial determination of contested legislative election cases?
3. Outline the different schemes of proportional representation and cumulative voting that have been proposed. How has cumulative voting worked in Illinois? (See Commons, Moore.)
4. The work and achievements (a) of the Massachusetts Civic League, (b) of the Chicago Legislative Voters' League, and (c) of the "people's lobby" in New York.
5. In how many, and in what, States have legislative reference libraries or similar institutions been established?
6. The initiative and referendum in Switzerland. (See Lowell's *Governments and Parties in Continental Europe*, and Rappard.)
7. The referendum in recent English politics.
8. The initiative and referendum in the American colonies.
9. The initiative and referendum in the different States before adoption in South Dakota in 1898.
10. What provisions appear in your own State constitution and city charter which reflect popular distrust of the legislature or city council?
11. Summarize the application and operation of the initiative and referendum in connection with local governments in the last decade.

<sup>1</sup> W. E. Weyl, *The New Democracy*, 308.

12. Compare the different steps prescribed by law in the several States for invoking the initiative and referendum.

13. What are the respective merits of the initiative with and without preliminary reference of measures to the legislature? (Compare the California, Oregon, and proposed Wisconsin acts.)

14. What measures are classed in different States as "emergency measures" to which the referendum may not apply? Has any unfair advantage been taken of these "emergency clauses"?

15. The actual experience of the people of California, Illinois, and other States (except Oregon) with the initiative and referendum.

16. The actual experience of the people of Oregon with the initiative and referendum (a) before 1910 and (b) in 1910.

17. The opinion of the Supreme Court of the United States in *Pacific States Telephone and Telegraph Co. vs. the State of Oregon*, decided February, 1912.

18. In what States is the adoption of the initiative and referendum now pending? Outline the system as proposed in each of these States.

19. What effect is the movement for the initiative and referendum likely to have upon the short ballot movement?

20. What, in your judgment, are likely to be the effects of the wide adoption of the initiative, referendum, and recall upon our two-party system? (See Larned, Watkins.)

21. What attitude has been taken by State and Federal courts in cases brought to overturn a gerrymander? (See Reinsch for citations.)

22. What provisions are contained in the different State constitutions designed to restrict the practice of gerrymandering? (See F. N. Thorpe's compilation of State constitutions.)

23. The merits of the "local co-operating plan" as a check upon "pork-barrel legislation." (See Stokes.)

#### BIBLIOGRAPHY

Bacon, E. M., and Wyman, M., *Direct Elections and Law-Making by Popular Vote* (1912).

Beard, C. A., and Shultz, B. E. (editors), *Documents on the State-wide Initiative, Referendum and Recall* (1912).

Contains the constitutions and statutes of all States con-

- cerned, preceded by an introductory essay by Professor Beard.
- Black, J. W., "Maine's Experience with the Initiative and Referendum," in *Annals*, XLIII, 159 (1912).
- Bliss, W. D. P. (editor), *New Encyclopedia of Social Reform*, article, "Direct Legislation."
- Bonynge, H. W., "Political Innovations," in *The Forum*, XLV, 645 (1911).
- Bourne, Jonathan, Jr., "Popular Government in Oregon," in *The Outlook*, XCVI, 321 (1910).
- "Initiative, Referendum and Recall," in *Atlantic Monthly*, CIX, 122 (1912).
- "Functions of the Initiative, Referendum and Recall," in *Annals*, XLIII, 3 (1912).
- Boyle, James, *The Initiative and Referendum: Its Folly, Fallacies, and Failures* (1912).
- Bryce, James, *The American Commonwealth*, I, chs. 39, 45 (4th edition).
- Butler, N. M., *Why Should We Change Our Form of Government?* (1912).
- Campbell, H. M., "Representative Government vs. the Initiative and Primary Nominations," in *No. Am. Rev.*, CX, 222 (1909).
- Cleland, Ethel, "Legislative Reference," in *Am. Pol. Sci. Rev.*, IV, 218 (1910).
- Commons, J. R., *Proportional Representation* (2d edition, 1907).
- "One Way to Get Sane Legislation," in *Rev. of Rev.*, XXXII, 722 (1905). On legislative reference libraries.
- Crosser, Robert, "The Initiative and Referendum Amendments in the Proposed Ohio Constitution," in *Annals*, XLIII, 191 (1912).
- Dodd, W. F., "Some Considerations upon the State-wide Initiative and Referendum," in *Annals*, XLIII, 203 (1912).
- Eaton, A. H., *The Oregon System* (1912).
- Eggleston, W. G., "The People's Power in Oregon," in *World's Work*, XXII, 14353 (1911).
- Fairlie, J. A., "The Referendum and Initiative in Michigan," in *Annals*, XLIII, 146 (1912).
- Fisher, E. A., "Legislative Reference," in *Am. Pol. Sci. Rev.*, III, 223 (1909).

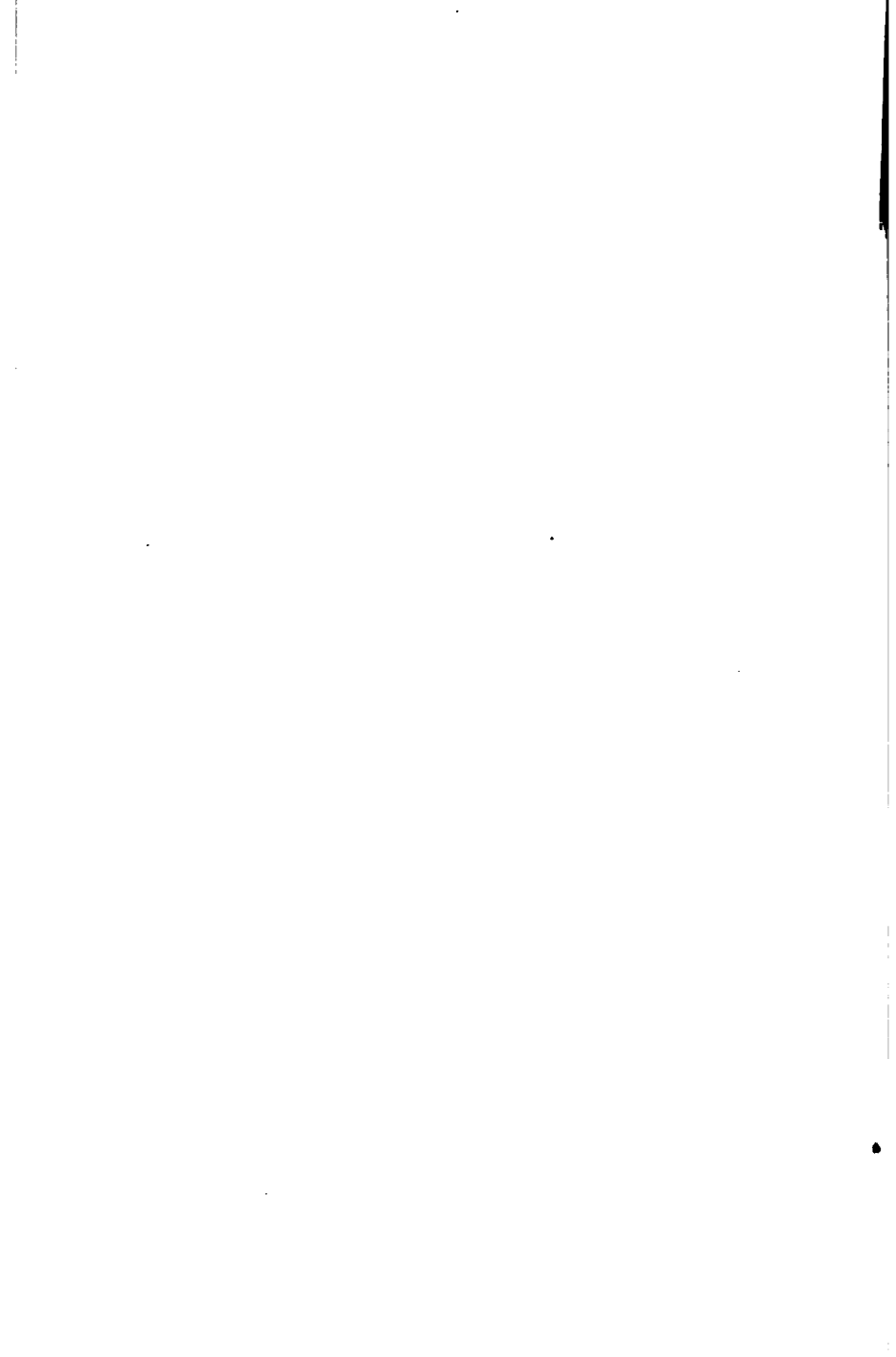
- Ford, H. J., "Direct Legislation and the Recall," in *Annals*, XLIII, 65 (1912).
- Foxcroft, F., "The Initiative-Referendum in the United States," in *Contemporary Rev.*, XCIX, 11 (1911).
- Galbreath, C. B., "Provisions for the State-wide Initiative and Referendum," in *Annals*, XLIII, 81 (1912). Chronology of the movement.
- Gardner, C. O., "The Working of the State-wide Referendum in Illinois," in *Am. Pol. Sci. Rev.*, V, 394 (1911).
- "The Initiative and Referendum in Commission Cities," in *Annals*, XXXVIII, 823 (1911).
- Garner, J. W., "Primary vs. Representative Government," in *Am. Pol. Sci. Assn. Proceedings*, IV, 164 (1907).
- Goodnow, F. J., *Municipal Government* (1909), pp. 150 ff. On the initiative and referendum in cities.
- Guthrie, G. W., "The Initiative, Referendum and Recall," in *Annals*, XLIII, 171 (1912).
- Hammitt, J. O., "First Lobby for the People," in *The Independent*, LXII, 411 (1907).
- Haynes, G. H., "The Education of Voters," in *Pol. Sci. Quar.*, XXII, 484 (1907). On Oregon publicity system.
- "'People's Rule' in Oregon, 1910," in *Pol. Sci. Quar.*, XXVI, 32 (1911).
- "'People's Rule' in Municipal Affairs," in *Pol. Sci. Quar.*, XXVI, 432 (1911). On Portland, Oregon, election of June 5, 1911.
- "'People's Rule' on Trial," in *Pol. Sci. Quar.*, XXVIII, 18 (1913). On the Oregon election, November 5, 1912.
- Haynes, J. R., "The Actual Workings of the Initiative, Referendum and Recall," in *Nat. Mun. Rev.*, I, 586 (1912).
- Hendrick, B. J., "The Initiative and Referendum and How Oregon Got Them," in *McClure's*, XXXVII, 235 (1911).
- Honey, S. R., *The Referendum Among the English* (1911).
- Horwill, H. W., "The Referendum in Great Britain," in *Pol. Sci. Quar.*, XXVI, 415 (1911).
- Humphrey, J. H., *Proportional Representation* (1911).
- International Year Book, 1910*, "Initiative and Referendum," pp. 37 ff.
- King, Hoyt, "The Reform Movement in Chicago," in *Annals*, XXV, 235 (1905). On work of Legislative Voters' League.

- Larned, J. N., "A Criticism of Two-Party Politics," in *Atlantic Monthly*, CVII, 289 (1911).
- Lee, Joseph, "A People's Lobbyist," in *The Independent*, LXII, 1203 (1907).
- Library of Congress, *A List of Books and Periodicals Relating to Proportional Representation* (1904).
- *Select List of References on the Initiative, Referendum, and Recall* (1912).
- Lobinger, C. S., "Objections to Direct Legislation Examined," in *The Arena*, XXXIV, 234 (1905). Also quoted in Jones's *Readings*, 345 ff.
- "Development of the System of Popular Legislation in the United States," in *Pol. Sci. Quar.*, XXIII, 577 (1908).
- *People's Law: or, Popular Participation in Law-Making* (1909).
- Lowell, A. L., "Referendum in Operation in the United States," in *Quarterly Rev.*, CCXIV, 520 (1911).
- Lowrie, S. G., "New Forms of the Initiative and Referendum," in *Am. Pol. Sci. Rev.*, V, 566 (1911). The proposed Wisconsin plan.
- "The Initiative and Referendum in California," in *ibid.*, 434 (1911).
- "The Wisconsin Plan for the Initiative and Referendum," in *Annals*, XLIII, 179 (1912).
- McCall, S. W., "Representative as against Direct Government," in *Atlantic Monthly*, CVIII, 461 (1911).
- Moffett, S. E., "The Constitutional Referendum in California," in *Pol. Sci. Quar.*, XIII, 1 (1898).
- Moore, B. F., *History of Cumulative Voting and Minority Representation in Illinois*, in Univ. of Illinois Studies, 1909.
- Munro, W. B. (editor), *The Initiative, Referendum, and Recall*, in National Municipal League Series (1912).
- *Government of American Cities* (1912), ch. 13. On initiative and referendum.
- Nation*, The, LXXI, 206 (1900), "Regulation of the Lobby." Brief summary of the Massachusetts act of 1890.
- Oberholtzer, E. P., *The Referendum in America* (new edition, 1912, with supplement for 1900-11). Also deals with the initiative.
- Outlook*, The, C, 515\* (1912), "Direct Legislation not Unconstitutional." Brief summary of the decision of the



- United States Supreme Court in *Pacific States Telephone and Telegraph Co. vs. Oregon*.
- Parsons, Frank, *The City for the People* (1901), pp. 255-306. On the initiative and referendum.
- Peabody, W. R., "Direct Legislation and Its Prospects in the United States," in *Pol. Sci. Quar.*, XX, 493 (1905). Summary of results for preceding ten years.
- Quincy, Josiah, "Regulation of the Lobby in Massachusetts," in *The Forum*, XII, 346 (1891-92).
- Rammekamp, C. H., "Contested Congressional Election Cases in the United States," in *Pol. Sci. Quar.*, XX, 421 (1905).
- Rappard, W. E., "The Initiative and Referendum in Switzerland," in *Am. Pol. Sci. Rev.*, VI, 345 (1912).
- "The Initiative, Referendum, and Recall in Switzerland," in *Annals*, XLIII, 110 (1912).
- Reinsch, P. S., *American Legislatures and Legislative Methods* (1907).
- "The Initiative and Referendum," in *Acad. of Pol. Sci. Proceedings*, III, 155 (1913).
- Roosevelt, Theodore, "Nationalism and Popular Rule," in *The Outlook*, XCVII, 96 (1911). On initiative and referendum.
- Sanborn, J. B., "The Value of Popular Legislation in the United States," in *Pol. Sci. Quar.*, XXIII, 587 (1908).
- Schaffner, Margaret A., "The Initiative, Referendum, and Recall," in *Am. Pol. Sci. Rev.*, I, 32 (1907).
- *The Initiative and Referendum in State Legislation*, Wisconsin Legislative Reference Bulletin, No. 11 (1907).
- Senate Documents*, 2d session, 55th Congress, XXVI, No. 340 (1898). An important collection of arguments for and against direct legislation.
- Shippee, L. B., "Oregon's Initiative and Referendum Again," in *Atlantic Monthly*, CIX, 428 (1912).
- Stimson, F. J., "Certain Retrogressive Policies of the Progressive Party," in *Am. Pol. Rev.* supplement, VII, 149 (1913). On the initiative and referendum.
- Stokes, A. P., Jr., "The 'Pork-Barrel' Problem—A Suggested Solution," in *Harper's Weekly*, LVII, March 22, 1913, p. 9.
- Storey, Moorefield, "The American Legislature," in *Albany Law Journal*, L, 187 (1894). On remedies for lobbying.

- Taylor, C. F. (editor), *Equity*. A quarterly review devoted to direct primary legislation, preferential voting, the short ballot, the initiative, referendum and recall. (Philadelphia.)
- Thacher, G. A., "The Initiative and Referendum in Oregon," in *Am. Pol. Sci. Assn. Proceedings*, IV, 198 (1907).
- "The Initiative and Referendum in Oregon," in *The Independent*, LXIV, 1142 (1908).
- "An Interesting Election in Oregon," in *The Independent*, LXIX, 1434 (1910).
- U'Ren, W. S., "Results of the Initiative and Referendum in Oregon," in *Am. Pol. Sci. Assn. Proceedings*, IV, 189 (1907).
- Watkins, Albert, "Failure of the Two-Party System," in *The Forum*, XXXI, 643 (1901).
- Whitney, T. H., "The Need of Legislative Experts," in *The Green Bag*, XVII, 78 (1905).
- "A Lobbyist for the People," in *World's Work*, XV, 9599 (1907). On the New York "people's lobby."
- Wilcox, D. F., *Government by All the People* (1912).



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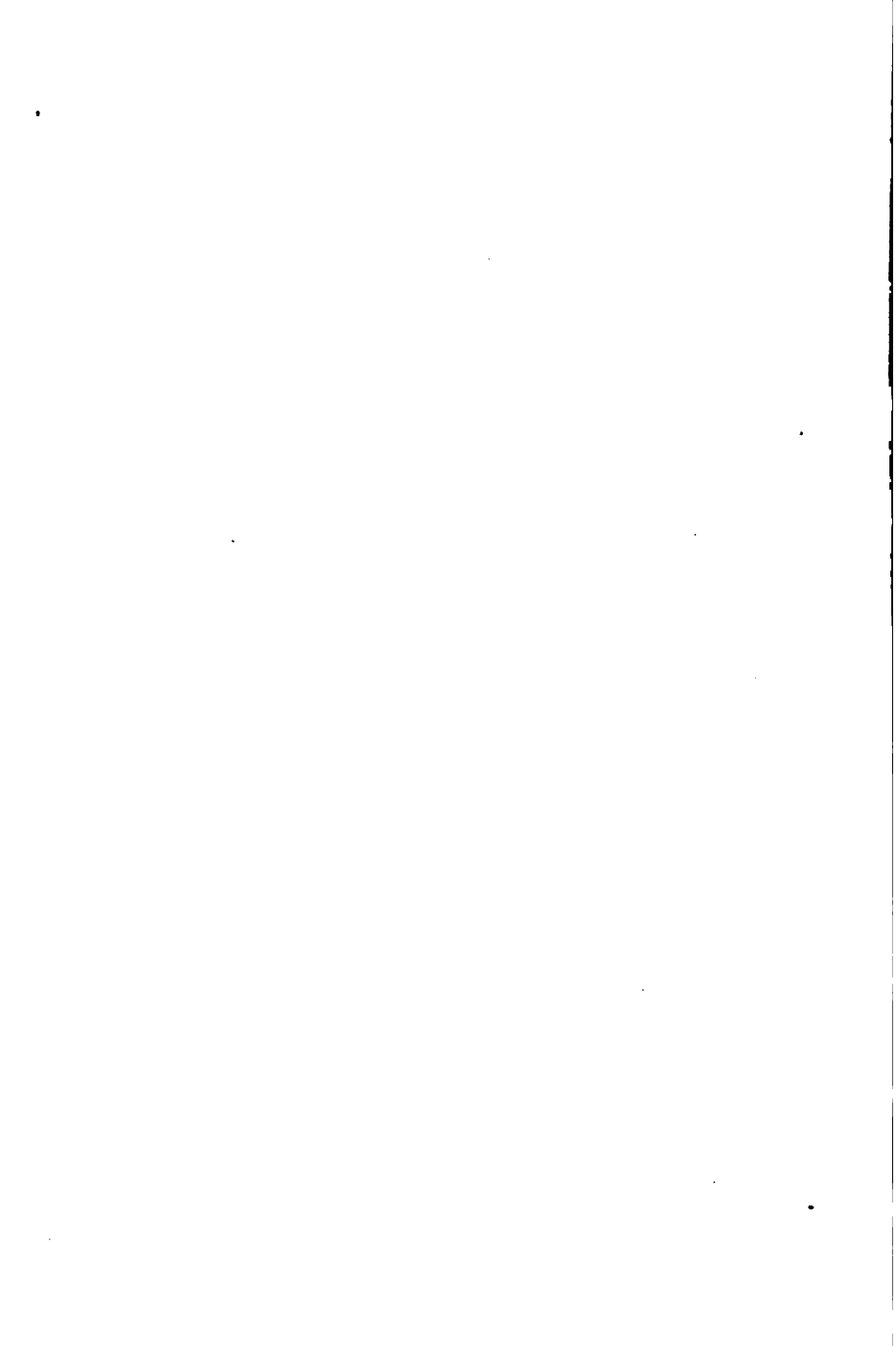


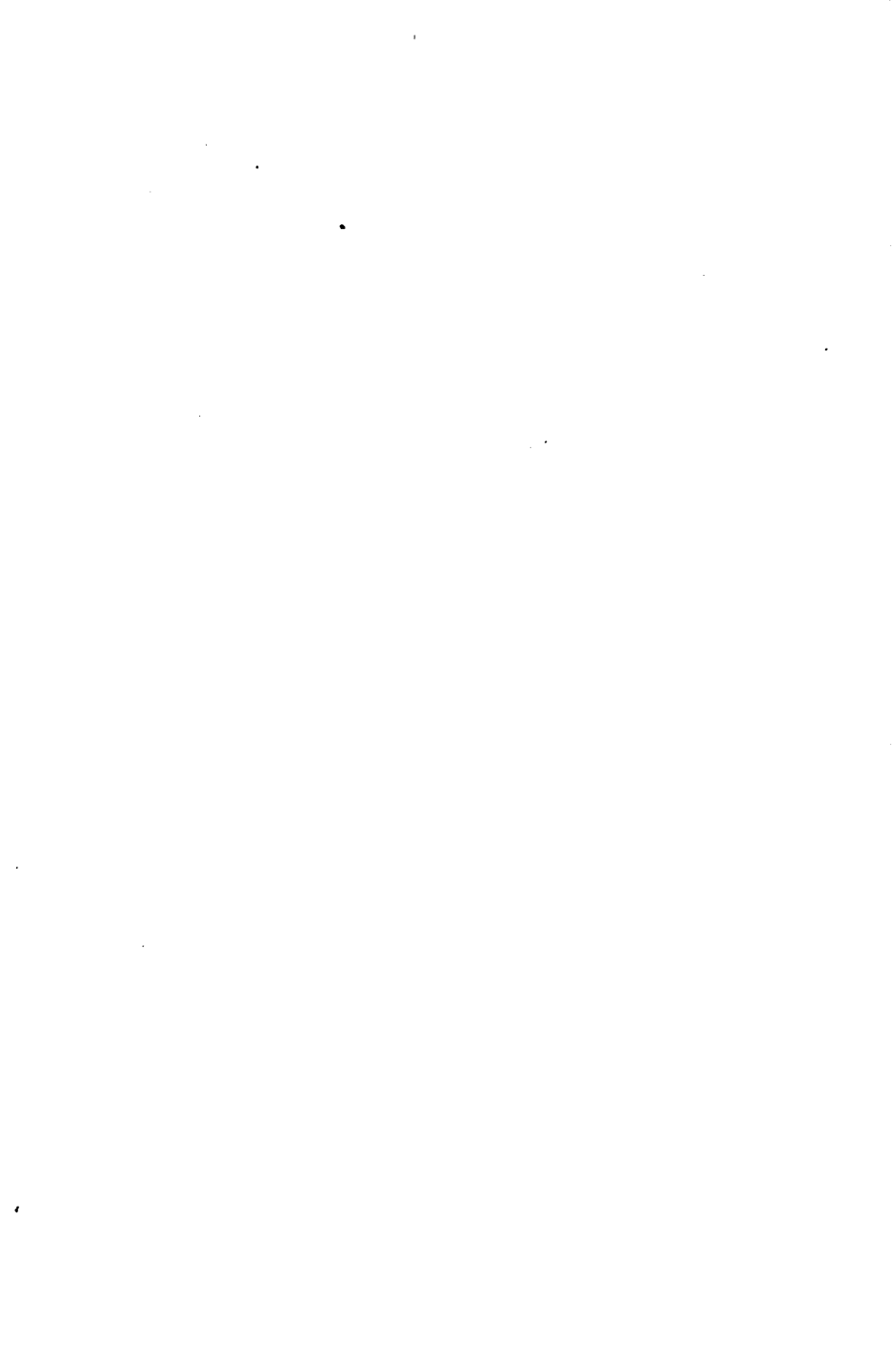
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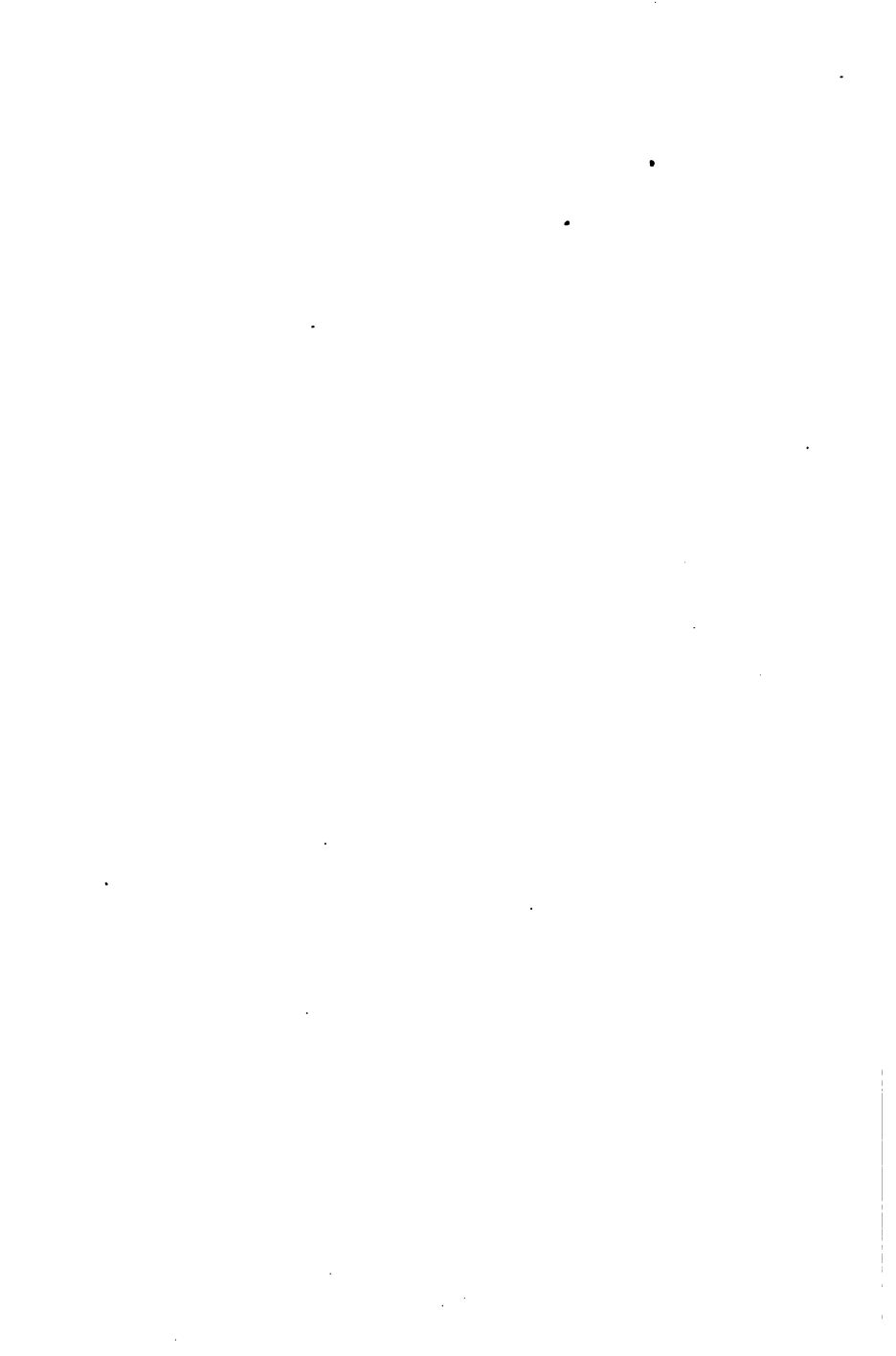
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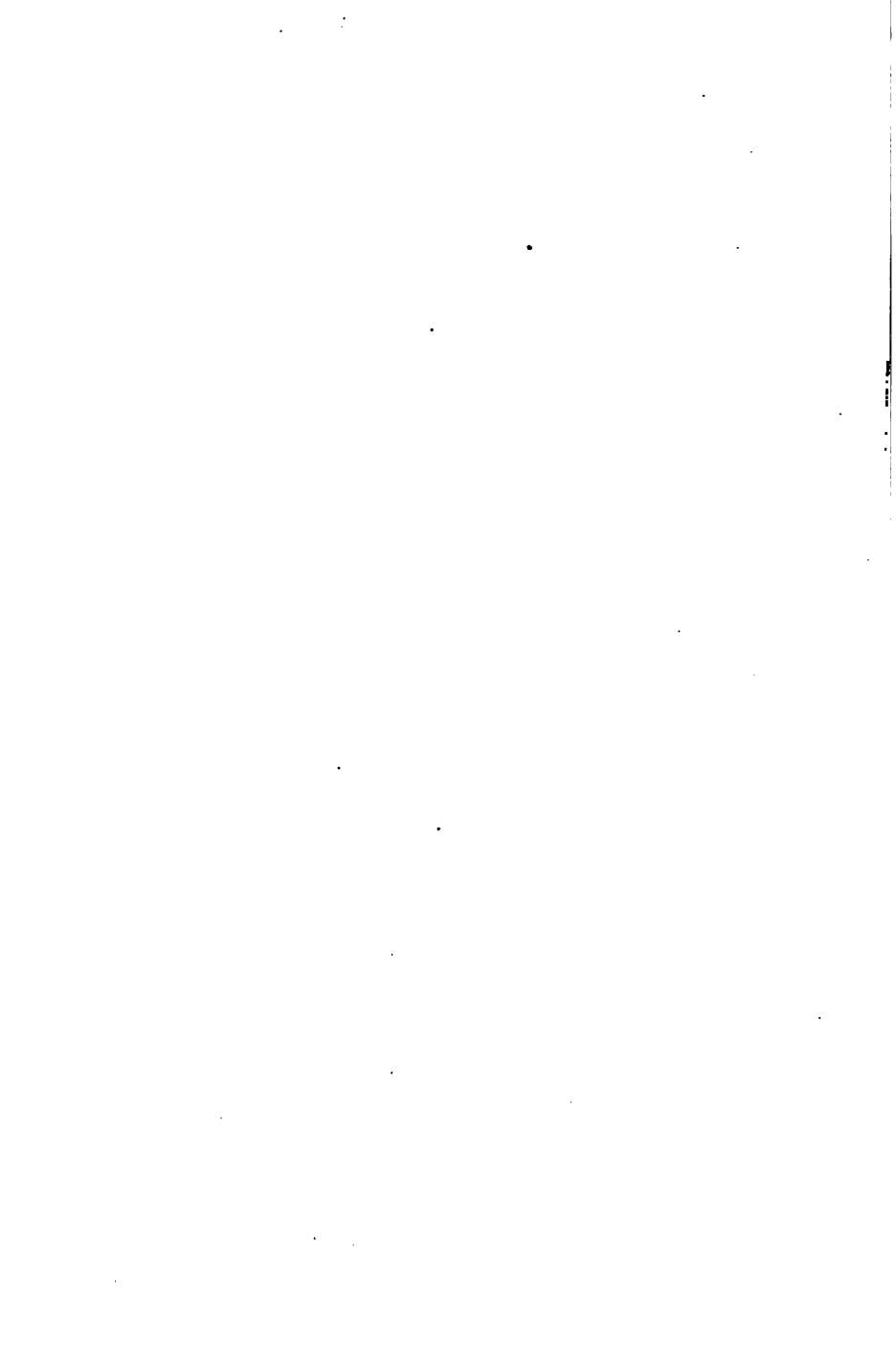












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